



Northern Ireland
Assembly

Official Report (Hansard)

Monday 8 February 2016
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Contents

Assembly Business	1
Committee Deputy Chairperson Appointment.....	1
Standing Orders 10(2) to 10(4): Suspension.....	1
Committee Membership	1
Private Members' Business	
Assembly and Executive Reform (Assembly Opposition) Bill: Consideration Stage	1
Oral Answers to Questions	
Culture, Arts and Leisure	7
Education.....	17
Private Members' Business	
Assembly and Executive Reform (Assembly Opposition) Bill: Consideration Stage (<i>Continued</i>) ...	26
Ministerial Statement	
Court Estate: Rationalisation	54
Committee Business	
Addressing Bullying in Schools Bill: Extension of Committee Stage.....	61
Licensing Bill: Further Extension of Committee Stage	62
Executive Committee Business	
Credit Unions and Co-operative and Community Benefit Societies Bill: Further Consideration Stage	62
Official Opposition: Statement of Proposed Entitlements	62
Spring Supplementary Estimates 2015-16; Vote on Account 2016-17; and Supply Resolution for the 2013-14 Excess Vote	69
Budget Bill: First Stage	91
Health and Social Care (Control of Data Processing) Bill: Final Stage.....	91
Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016	94

Assembly Members

Agnew, Steven (North Down)
Allen, Andy (East Belfast)
Allister, Jim (North Antrim)
Anderson, Sydney (Upper Bann)
Attwood, Alex (West Belfast)
Beggs, Roy (East Antrim)
Bell, Jonathan (Strangford)
Boylan, Cathal (Newry and Armagh)
Boyle, Ms Michaela (West Tyrone)
Bradley, Dominic (Newry and Armagh)
Bradley, Ms Paula (North Belfast)
Buchanan, Thomas (West Tyrone)
Cameron, Mrs Pam (South Antrim)
Campbell, Gregory (East Londonderry)
Clarke, Trevor (South Antrim)
Cochrane, Mrs Judith (East Belfast)
Cochrane-Watson, Adrian (South Antrim)
Craig, Jonathan (Lagan Valley)
Cree, Leslie (North Down)
Dallat, John (East Londonderry)
Dickson, Stewart (East Antrim)
Diver, Gerard (Foyle)
Dobson, Mrs Jo-Anne (Upper Bann)
Douglas, Sammy (East Belfast)
Dunne, Gordon (North Down)
Durkan, Mark (Foyle)
Easton, Alex (North Down)
Eastwood, Colum (Foyle)
Farry, Stephen (North Down)
Fearon, Ms Megan (Newry and Armagh)
Flanagan, Phil (Fermanagh and South Tyrone)
Ford, David (South Antrim)
Foster, Mrs Arlene (Fermanagh and South Tyrone)
Frew, Paul (North Antrim)
Gardiner, Samuel (Upper Bann)
Girvan, Paul (South Antrim)
Givan, Paul (Lagan Valley)
Hale, Mrs Brenda (Lagan Valley)
Hamilton, Simon (Strangford)
Hanna, Ms Claire (South Belfast)
Hazzard, Chris (South Down)
Hilditch, David (East Antrim)
Humphrey, William (North Belfast)
Hussey, Ross (West Tyrone)
Irwin, William (Newry and Armagh)
Kelly, Mrs Dolores (Upper Bann)
Kelly, Gerry (North Belfast)
Kennedy, Danny (Newry and Armagh)
Lo, Ms Anna (South Belfast)
Lunn, Trevor (Lagan Valley)
Lynch, Seán (Fermanagh and South Tyrone)
Lyons, Gordon (East Antrim)
Lyttle, Chris (East Belfast)
McAleer, Declan (West Tyrone)
McCallister, John (South Down)
McCann, Fra (West Belfast)
McCann, Ms Jennifer (West Belfast)
McCarthy, Kieran (Strangford)
McCartney, Raymond (Foyle)
McCausland, Nelson (North Belfast)
McCorley, Ms Rosaleen (West Belfast)
McCrea, Basil (Lagan Valley)
McCrea, Ian (Mid Ulster)
McCrossan, Daniel (West Tyrone)
McElduff, Barry (West Tyrone)
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)
McGimpsey, Michael (South Belfast)
McGlone, Patsy (Mid Ulster)
McGuinness, Martin (Mid Ulster)
McIlveen, David (North Antrim)
McIlveen, Miss Michelle (Strangford)
McKay, Daithí (North Antrim)
McKevitt, Mrs Karen (South Down)
McKinney, Fearghal (South Belfast)
McLaughlin, Ms Maeve (Foyle)
McLaughlin, Mitchel (Speaker)
McMullan, Oliver (East Antrim)
McNarry, David (Strangford)
McQuillan, Adrian (East Londonderry)
Maginness, Alban (North Belfast)
Maskey, Alex (West Belfast)
Middleton, Gary (Foyle)
Milne, Ian (Mid Ulster)
Morrow, The Lord (Fermanagh and South Tyrone)
Moutray, Stephen (Upper Bann)
Murphy, Conor (Newry and Armagh)
Nesbitt, Mike (Strangford)
Newton, Robin (East Belfast)
Ní Chuilín, Ms Carál (North Belfast)
Ó hOisín, Cathal (East Londonderry)
Ó Muilleoir, Máirtín (South Belfast)
O'Dowd, John (Upper Bann)
O'Neill, Mrs Michelle (Mid Ulster)
Overend, Mrs Sandra (Mid Ulster)
Patterson, Alastair (Fermanagh and South Tyrone)
Pengelly, Mrs Emma (South Belfast)
Poots, Edwin (Lagan Valley)
Robinson, George (East Londonderry)
Robinson, Peter (East Belfast)
Rogers, Seán (South Down)
Ross, Alastair (East Antrim)
Ruane, Ms Caitriona (South Down)
Sheehan, Pat (West Belfast)
Storey, Mervyn (North Antrim)
Sugden, Ms Claire (East Londonderry)
Swann, Robin (North Antrim)
Weir, Peter (North Down)
Wells, Jim (South Down)

Northern Ireland Assembly

Monday 8 February 2016

The Assembly met at 12.00 noon (Mr Speaker in the Chair).

Members observed two minutes' silence.

Assembly Business

Mr Cochrane-Watson: On a point of order, Mr Speaker. Do you agree that the place to make announcements is in this House? I refer to the announcement made after 6.00 pm on Friday by the Enterprise, Trade and Investment Minister on his proposal to close the Northern Ireland renewable heat incentive. That will have a very detrimental effect on jobs and local business. Do you agree that the Minister should have brought such an announcement to the House, prior to releasing it in the press?

Mr Speaker: I am aware that a question for urgent oral answer on that same topic was not accepted. I draw it to the Member's attention that points of order should not be used in that way. I have urged Ministers to bring forward their statements in the way that is most accommodating for Members' interests as well. However, ultimately, at the end of the day, when to issue a statement is a matter for the Minister, not the Speaker.

Committee Deputy Chairperson Appointment

Mr Speaker: Before we proceed to today's business, I have some announcements to make. I wish to inform the House that I received correspondence from Mr Dominic Bradley, resigning his position as Deputy Chairperson of the Committee for Finance and Personnel with effect from 4 February 2016. Furthermore, the nominating officer for the SDLP has informed me that Ms Claire Hanna has been nominated as Deputy Chairperson of the Committee for Finance and Personnel. Ms Hanna accepted the nomination, and I am satisfied that the requirements of Standing Orders have been met. I can confirm that the appointment took effect on 4 February 2016.

Standing Orders 10(2) to 10(4): Suspension

Mr Dickson: I beg to move

That Standing Orders 10(2) to 10(4) be suspended for 8 February 2016.

Mr Speaker: Before we proceed to the Question, I remind Members that this motion requires cross-community support.

Question put and agreed to.

Resolved (with cross-community support):

That Standing Orders 10(2) to 10(4) be suspended for 8 February 2016.

Committee Membership

Mr Speaker: The next item on the Order Paper is a motion regarding Committee membership. As with similar motions, it will be treated as a business motion and there will be no debate.

Resolved:

That Mrs Dolores Kelly replace Mr Seán Rogers as a member of the Committee for Education; that Mr Alex Attwood replace Mr Patsy McGlone as a member of the Committee for Justice; and that Mr Patsy McGlone replace Ms Claire Hanna as a member of the Committee for the Environment. — [Mrs McKeivitt.]

Private Members' Business

Assembly and Executive Reform (Assembly Opposition) Bill: Consideration Stage

Debate resumed.

Clause 13 (Assembly Executive and Reform Motion)

Mr Speaker: Order. Last Tuesday afternoon, a valid petition of concern was tabled to clause 13 during the Consideration Stage of the Assembly

and Executive Reform (Assembly Opposition) Bill. That meant that, under Standing Order 28, the Question on clause 13 stand part of the Bill could not be taken at that time and would be required to be taken on a cross-community basis. Members will also note that valid petitions of concern have been tabled to clauses 20 and 21 and to the schedule. Each will therefore require a cross-community vote.

We will now move on to the Question on clause 13. Mr McCartney's opposition to clause 13 stand part has already been debated. Before I put the Question, I remind Members that clause 13 requires cross-community support due to a valid petition of concern.

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 47; Noes 35.

AYES

UNIONIST:

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McNarry, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

OTHER:

Mr Agnew, Mrs Cochrane, Mr Dickson, Mr Ford, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCarthy.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

NATIONALIST:

Mr Attwood, Mr Boylan, Mr Durkan, Mr Eastwood, Ms Fearon, Mr Flanagan, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Mr McKinney, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín,

Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

UNIONIST:

Ms Sugden.

Tellers for the Noes: Mr McAleer and Ms McCorley.

<i>Total Votes</i>	<i>82</i>	<i>Total Ayes</i>	<i>47</i>	<i>[57.3%]</i>
<i>Nationalist Votes</i>	<i>34</i>	<i>Nationalist Ayes</i>	<i>0</i>	<i>[0.0%]</i>
<i>Unionist Votes</i>	<i>40</i>	<i>Unionist Ayes</i>	<i>39</i>	<i>[97.5%]</i>
<i>Other Votes</i>	<i>8</i>	<i>Other Ayes</i>	<i>8</i>	<i>[100.0%]</i>

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kennedy, Mr McGimpsey, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Swann.

Question accordingly negatived (cross-community vote).

Clause 14 (Tabling of Assembly and Executive Reform Motion)

Mr Speaker: Mr McCartney's opposition to clause 14 has already been debated.

Question put, That clause 14 stand part of the Bill.

The Assembly divided:

Ayes 66; Noes 26.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Craig, Mr Cree, Mr Dickson, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McKinney, Mr McNarry, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McAleer and Ms McCorley

Question accordingly agreed to.

Clause 14 ordered to stand part of the Bill.

Clause 15 (Reports by the AERC)

Mr Speaker: Mr McCartney's opposition to clause 15 has already been debated.

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 70; Noes 26.

AYES

Mr Agnew, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Dr Farry, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Ms Lo, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Ms Maeve McLaughlin, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McAleer and Ms McCorley

Question accordingly agreed to.

Clause 15 ordered to stand part of the Bill.

Clause 16 (Formation of technical groups within the Opposition)

Amendment No 23 proposed: In page 5, line 15, leave out from "to" to end of line 19.— [Mr McCallister.]

Question, That the amendment be made, put and negatived.

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 21; Noes 73.

AYES

Mr Agnew, Mr Allister, Mr Attwood, Mrs Cochrane, Mr Dallat, Mr Diver, Mr Eastwood, Dr Farry, Mr Ford, Ms Hanna, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness, Ms Sugden.

Tellers for the Ayes: Mr Allister and Mr McCallister

NOES

Mr Anderson, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr Lyons, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness,

Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Storey, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Noes: Mr McAleer and Ms McCorley

Question accordingly negated.

Clause 16 disagreed to.

Mr Speaker: Order. I have had complaints from some Members that they cannot hear the results or the announcements from the Chair because of the background noise.

Clause 17 (Membership of Business Committee for technical groups)

Amendment No 24 proposed:

In page 5, line 21, leave out from ", where" to "parties," on line 22.— [Mr McCallister.]

Question, That the amendment be made, put and negated.

Question, That the clause stand part of the Bill, put and negated.

Clause 17 disagreed to.

Clause 18 (First topical question to Minister from chairperson of statutory committee)

Amendment No 25 made:

In page 5, line 31, leave out from "Leader" to "Opposition" on line 32 and insert "leadership of the Opposition".— [Mr McCallister.]

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 63; Noes 26.

AYES

Mr Agnew, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr

Dallat, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKevitt, Mr McKinney, Mr McQuillan, Mr A Maginness, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Ayes: Mr McCallister and Ms Sugden

NOES

Mr Allister, Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr M McGuinness, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Lynch and Ms McCorley

Question accordingly agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Clause 19 (Establishment of Budget Committee)

Amendment No 26 proposed: In page 5, line 36, leave out from the beginning to "1998" on line 37 and insert "budget committee".— [Mr McCallister.]

Question, That the amendment be made, put and negated.

Mr Speaker: Amendment No 27 has already been debated and is mutually exclusive with amendment No 28. *Amendment No 27 proposed:*

In page 5, line 37, at end insert

"(2) That committee may—

(a) scrutinise the draft budget laid before the Assembly under section 64 of the Northern Ireland Act 1998,

(b) review the delivery of the budget, for example by matching spending against outcomes,

(c) examine the financial memorandum of each Bill introduced into the Assembly,

(d) examine the implications of any changes to powers to raise taxes."— [Mr McCallister.]

Question, That the amendment be made, put and negatived.

Amendment No 28 proposed:

In page 5, line 37, at end insert

"(2) The Budget Committee will consider quarterly budget forecasts, reports estimates and oral evidence collated from all departments and presented by a bespoke unit in the Department for Finance and Personnel dedicated to servicing the requirements/supporting the scrutiny work of the Committee."— [Mr Eastwood.]

Question put, That the amendment be made.

The Assembly divided:

Ayes 19; Noes 72.

AYES

Mr Agnew, Mr Allister, Mr Attwood, Mrs Cochrane, Mr Dallat, Mr Diver, Mr Eastwood, Mr Ford, Ms Hanna, Mrs D Kelly, Ms Lo, Mr Lunn, Mr Lyttle, Mr McCallister, Mr McCrossan, Mr McGlone, Mrs McKeivitt, Mr McKinney, Mr A Maginness.

Tellers for the Ayes: Mr McCrossan and Mrs McKeivitt

NOES

Mr Anderson, Mr Boylan, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Easton, Ms Fearon, Mr Flanagan, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hazzard, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mr G Kelly, Mr Kennedy, Mr Lynch, Mr Lyons, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McCausland, Ms McCorley, Mr I McCrea, Mr McElduff, Ms McGahan, Mr McGimpsey, Mr M McGuinness, Mr D McIlveen, Miss M McIlveen, Mr McKay, Mr McMullan, Mr McQuillan, Mr

Maskey, Mr Middleton, Mr Milne, Lord Morrow, Mr Moutray, Mr Murphy, Mr Nesbitt, Mr Newton, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Ms Ruane, Mr Storey, Ms Sugden, Mr Swann, Mr Weir.

Tellers for the Noes: Mr Lynch and Ms McCorley

Question accordingly negatived.

Question, That the clause stand part of the Bill, put and negatived.

Clause 19 disagreed to.

Clause 20 (Renaming of the Office of the First Minister and deputy First Minister)

Mr Speaker: Before I put the Question, I remind Members that clause 20 requires cross-community support due to a valid petition of concern.

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 20; Noes 60.

AYES

NATIONALIST:

Mr Attwood, Mr Dallat, Mr Diver, Mr Durkan, Mr Eastwood, Ms Hanna, Mrs D Kelly, Mr McCrossan, Mr McGlone, Mrs McKeivitt.

UNIONIST:

Mr Allister, Mr McCallister, Mr B McCrea, Mr Nesbitt, Ms Sugden.

OTHER:

Mr Agnew, Mrs Cochrane, Mr Dickson, Mr Ford, Mr Lunn.

Tellers for the Ayes: Mr Diver and Mr McCallister.

NOES

NATIONALIST:

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms

McCorley, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

UNIONIST:

Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mr Craig, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Mr Weir, Mr Wells.

Tellers for the Noes: Mr Boylan and Ms Fearon.

Total Votes	80	Total Ayes	20	[25.0%]
Nationalist Votes	34	Nationalist Ayes	10	[29.4%]
Unionist Votes	41	Unionist Ayes	5	[12.2%]
Other Votes	5	Other Ayes	5	[100.0%]

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Allen, Mr Cochrane-Watson, Mr Cree, Mrs Dobson, Mr Gardiner, Mr Hussey, Mr Kennedy, Mrs Overend, Mr Patterson, Mr Swann.

Question accordingly negated (cross-community vote).

Clause 20 disagreed to.

Clause 21 (Departments to be single legal entity)

Mr Speaker: Before I put the Question, I remind Members that clause 21 requires cross-community support due to a valid petition of concern.

Question, That the clause stand part of the Bill, put and negated (cross-community vote).

Mr Speaker: I recorded only one vote No, so I am satisfied that cross-community support has been demonstrated.

Mr Weir: Do you mean only one Yes?

Mr Speaker: Only one Aye.

Clause 22 (Interpretation)

Amendment No 29 made:

In page 6, line 28, leave out from "and" to end of line 29.— [Ms P Bradley.]

Question put, That the clause, as amended, stand part of the Bill.

The Assembly divided:

Ayes 66; Noes 24.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Ms Hanna, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr B McCrea, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan and Ms Fearon

Question accordingly agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Mr Speaker: I ask Members to take their ease briefly while we change the top Table.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

Clause 23 (Commencement)

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 64; Noes 23.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan and Ms Ruane

Question accordingly agreed to.

Clause 23 ordered to stand part of the Bill.

(Mr Deputy Speaker [Mr Beggs] in the Chair)

Clause 24 (Short title)

Question put, That the clause stand part of the Bill.

The Assembly divided:

Ayes 67; Noes 23.

AYES

Mr Agnew, Mr Allen, Mr Allister, Mr Anderson, Mr Attwood, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Campbell, Mr Clarke, Mrs

Cochrane, Mr Cochrane-Watson, Mr Craig, Mr Cree, Mr Dallat, Mr Dickson, Mr Diver, Mrs Dobson, Mr Douglas, Mr Dunne, Mr Durkan, Mr Easton, Mr Eastwood, Mr Ford, Mrs Foster, Mr Frew, Mr Gardiner, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Hussey, Mr Irwin, Mrs D Kelly, Mr Kennedy, Mr Lunn, Mr Lyons, Mr Lyttle, Mr McCallister, Mr McCarthy, Mr McCausland, Mr I McCrea, Mr McCrossan, Mr McGimpsey, Mr McGlone, Mr D McIlveen, Miss M McIlveen, Mrs McKeivitt, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Nesbitt, Mr Newton, Mrs Overend, Mr Patterson, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Swann, Mr Weir, Mr Wells.

Tellers for the Ayes: Mr Agnew and Mr McCallister

NOES

Mr Boylan, Ms Fearon, Mr Flanagan, Mr Hazzard, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Mr McElduff, Ms McGahan, Mr McKay, Mr McMullan, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr Boylan and Ms Ruane

Question accordingly agreed to.

Clause 24 ordered to stand part of the Bill.

Mr Deputy Speaker (Mr Beggs): Question Time begins at 2.00 pm. I propose, therefore, by leave of the Assembly, to suspend the sitting until then.

The debate stood suspended.

2.00 pm

Oral Answers to Questions

Culture, Arts and Leisure

Casement Park: Adjacent Houses

1. **Mr McCausland** asked the Minister of Culture, Arts and Leisure when and how she first became aware that it might be necessary to purchase and demolish houses adjacent to Casement Park to provide adequate emergency exiting. (AQO 9552/11-16)

Ms Ní Chuilín (The Minister of Culture, Arts and Leisure): I thank the Member for his question. It has been alleged that I and departmental officials were aware of a suggested need to purchase and demolish houses adjacent to Casement Park as far back as the summer of 2012. That is utterly untrue and unworthy of belief. As the design team for the project was not formally appointed until 3 September 2012, there would not have been any design information, even preliminary sketches, available for discussion prior to its appointment. I understand that designs were first considered by the safety technical group (STG) on 11 February 2013.

As previously stated, I was unaware of allegations in relation to concerns around emergency exiting at Casement Park prior to Paul Scott's appearance at the Committee for Culture, Arts and Leisure on 30 April 2015. Indeed, I made that point clear in my evidence at a subsequent Committee appearance on 21 May 2015. I still stand by that statement.

Mr McCausland: I thank the Minister for her answer, but, with respect, it is not a full answer, and that is a matter we will return to. Will she acknowledge that she should have been aware of the serious issues around emergency exiting when the then chief executive of Sport Northern Ireland, after one year in post, had a full-page interview in the 'Belfast Telegraph' in which she referred specifically to serious issues about emergency exiting? Was the Minister not aware of those concerns at that early stage?

Ms Ní Chuilín: All those allegations have been countered by a sequence of independent reports. That article has been referred to on at least two other occasions. I would assume, as the Member, indeed all Members, should assume, that anyone working with the Department, particularly around these alleged safety concerns, really should have brought them to my attention, and they did not. I say again that the first I was made aware of this was when Mr Scott appeared in front of the Committee on 30 April last year.

Mr Lynch: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as an fhreagra sin. Minister, did Sport NI's chair, board members or staff at any stage raise any concerns with you regarding emergency exiting at Casement?

Ms Ní Chuilín: I thank the Member for his supplementary question. The answer is no. No one at Sport NI — not the previous or current boards, chief executives or chairs — made me

aware at any stage of any concerns that they had around emergency exiting at Casement Park. For the information of the Member and other Members, Sport NI also sits on the stadium programme sponsor board, which I chair. If people have concerns, that is the place for them to be raised, and they never raised any issues around emergency evacuation. As I said — and I say again — the first I was made aware of any such allegations or concerns was when they were raised by Mr Scott at the Culture, Arts and Leisure Committee in April 2015.

Mr Deputy Speaker (Mr Beggs): Question 2 has been withdrawn.

Archery

3. **Mr McMullan** asked the Minister of Culture, Arts and Leisure to outline the departmental support and opportunities available to athletes competing in archery. (AQO 9554/11-16)

Ms Ní Chuilín: I thank the Member for his question. In the three years until March 2016, Sport NI will have awarded almost £50,000 from its athlete investment programme to the NI Archery Society towards costs in implementing a training and competition programme for targeted athletes. In the same period, Sport NI invested £75,000 in the society from its own performance focus programme. The investment relates in particular to talent identification and development. I am content that that support helped to provide opportunities for athletes from across the North to achieve considerable success at various international and national archery competitions during the past year. It is remarkable that four individuals won a total of 14 medals and that two teams won a gold and silver medal respectively. I take this opportunity to congratulate each and every one of them on that fantastic achievement.

Mr McMullan: I thank the Minister for her answers to date. What is the Minister's Department doing to help all athletes in general who wish to compete in the 2016 Olympics in Rio?

Ms Ní Chuilín: I thank the Member for his supplementary question. It is quite important that all Members be aware that Sport NI is doing everything that it can to provide support to athletes from other sports who intend to compete in the 2016 Olympic and Paralympic Games. The performance focus programme, which also supports the employment of expertise in sports and development in the high-performance systems, has been very

beneficial for athletes and, indeed, their governing bodies in the past. As well as this, the athlete investment programme provides assistance towards costs incurred by athletes to undertake the required training and competition programmes and in support of elements of the athletes' living costs, which I know the Member has raised previously. Those programmes also provide planning, sports science and sports medicine services, which have been serviced by the Sports Institute.

Mr McCausland: The Minister referred to support for the NI Archery Society, which I assume refers to the Northern Ireland Archery Society. I welcome the support for a Northern Ireland-focused organisation. Will she also therefore be supportive of the Northern Ireland boxing association in its efforts to secure recognition and support from Sport NI?

Ms Ní Chuilín: I am absolutely not supportive of a separate boxing association, as the Member will know. In fact, I feel that not only the Chair of the CAL Committee but his colleagues and others have ended up putting some of the athletes under terrible pressure in a year in which they will be competing in the Rio Olympics. I think that that is disgraceful.

Mr Deputy Speaker (Mr Beggs): Patsy McGlone is not in his place.

Football Stadia: Funding

5. **Mr Weir** asked the Minister of Culture, Arts and Leisure when she will announce funding for the subregional football stadia. (AQO 9556/11-16)

Ms Ní Chuilín: I thank the Member for his question. In March 2011, the Executive endorsed an investment of £36 million for subregional stadia development for football as a priority in the next comprehensive spending review period. The subregional stadia programme for soccer has a 12-week consultation, which commenced on 30 November 2015 and will run until 22 February 2016. Once the stakeholder consultation exercise is complete and the programme has been finalised, I expect it to be open for applications. That will be later in 2016, and my officials will be available to offer advice and support to potential applicants throughout the process.

Given our growing reputation and ability to attract large-scale events for sports and entertainment, there is a need for the provision of international-standard facilities capable of

hosting major events. The provision of subregional training facilities suitable for hosting major events such as the Rugby World Cup is also essential. It is my intention to submit a bid for funding for a second phase of the subregional programme to meet the needs of soccer, Gaelic and rugby in the next comprehensive spending review.

Mr Weir: I thank the Minister for her response so far. The Minister said that, whatever emerges, her officials will be available for advice and support to football clubs. Obviously, it is likely that, whatever the final announcement, it will have some element or cocktail of matched funding being required. Can the Minister give a particular assurance that there will be assistance to the clubs from her officials in helping to find that matched funding?

Ms Ní Chuilín: It is not my officials' job to find matched funding, but it is their job to try to give them assistance with information. Through discussions that I have had personally with local government and the councils and, indeed, with some clubs, I know that this is a difficulty for them. Some clubs are looking at what they can do on a geographical basis to try to make sure that there is a facility in an area. As I said, this is still open for consultation. It is important that, once clubs have established that they can apply and that they meet all the criteria, it is our officials' job to signpost them to information regarding other potential sources of funding but not to make their applications for them.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Is Derry City FC eligible to apply for funding? Can the Minister give an update on the Daisyfield project?

Ms Ní Chuilín: In short, yes, it is eligible to apply for funding, and I anticipate that it will do so. I also confirm that the commitment I made to secure funding of £2 million to invest in Daisyfield playing fields, which is part of the project being taken forward by Derry City and Strabane District Council to redevelop the Brandywell Sports Centre and, indeed, the adjacent Daisyfield playing fields, will be assistance that will cover some of the costs of refurbishing of a full-sized pitch. Certainly, my officials, Sport NI and, indeed, the council have been working very closely together, and I understand that the council is considering its options for the location of the facility, which will be subject to council approval and, indeed, full planning permission.

Mr Cree: I thank the Minister for her replies so far. Minister, just for clarification, the cost of this project for the stadia appears to be £9.75 million. Is that figure ring-fenced, and what proportion of that project cost is available for the subregional football stadia programme?

Ms Ní Chuilín: There is £36 million for the subregional programme. As I said in response to Mr Weir, clubs are already in discussions not only with each other but, indeed, with other potential sources of funding to try to ensure that they get every opportunity. I already know that there is not enough money in this to meet all the needs out there. I do not think there is ever enough money in anyone's Department to meet all the needs, but that is certainly the case with this. That is why I anticipate a third level of subregional funding to try to ensure that groups, particularly grass-roots groups, get better access to better facilities, because, to be honest, a lot of the clubs run on a voluntary basis do not have the professional wherewithal but provide vital services and support to keep young people fit, healthy and safe. I anticipate that clubs like that will need to get additional support, and I am looking at the options for what other support we can give to them, but those will not become real until the consultation closes.

Mr McCarthy: I thank the Minister for her answers. Can she give the Assembly a cast-iron guarantee that, when the money comes to being divided out, it will be done fairly and squarely and that there will be no preference for either of the two major parties — Sinn Féin and the DUP — in selected teams, grounds or whatever?

Ms Ní Chuilín: I think what the Member is really suggesting is that we and the DUP would box clubs off — that is basically what he is suggesting. I would like to use this opportunity to completely refute that. It is public money, as the Member will know, and it needs to be scrutinised. That includes the decisions about how the money is spent. I anticipate that the process, which is completely open and completely transparent, will be scrutinised. Hopefully, that gives some assurance to the Member.

Voluntary and Community Organisations: Funding

6. **Ms Lo** asked the Minister of Culture, Arts and Leisure, in light of the recent Budget and the cuts to be made to her Department, whether she is planning to offer any level of protection to

voluntary and community organisations funded by her Department. (AQO 9557/11-16)

Ms Ní Chuilín: I thank the Member for her question, and I wish her a happy new year. As she will know — I have said this repeatedly, but it is worth repeating — the Tory Administration have, once again, imposed massive cuts on our block grant and, indeed, on our community, and my job is to try to allocate funding and to work against the worst impacts on service provision. I am content that my Department and its arm's-length bodies (ALBs) are taking every step to minimise the impacts on front-line services, particularly and including those provided by the community and voluntary sector, which does a massive amount of work, by extracting as many savings as they can from administration and overhead costs.

As the Member will appreciate, that work is ongoing, and I hope to bring it to a conclusion once I have settled on budgets by the end of this month. I am, of course, keenly aware of the work carried out by the community and voluntary sector. It is not enough for me just to give those assurances. I will certainly have to justify the budget that I settle on at the end of the month, but I want to give the Member as much assurance as possible that I will look at every opportunity to try to reduce costs so that maximum spend happens within the community and voluntary sector.

2.15 pm

Ms Lo: First of all, Mr Deputy Speaker, I wish you and Members of the House a happy Chinese new year today.

Mr McCarthy: Hear, hear. What is that all about?

Ms Lo: Time does not allow me to expand on that.

Mr Deputy Speaker (Mr Beggs): Can we have a question?

Ms Lo: I thank the Minister for her response. I know that she really cares about funding for the community and voluntary sector, and I thank her for her very positive comment. What steps has the Minister taken to ensure that when DCAL goes into the big, new Department — the Department for Communities — the priorities for culture, arts and leisure will be high up on the agenda of the new structure?

Ms Ní Chuilín: The Member will be aware that the consultation on the overarching arts and cultural strategy for 10 years will close this

week. When I leave the Department, it is crucial that, for the first time ever, there will be an overarching strategy, and Departments will have their role to play in the delivery, investment and funding for arts and culture going into the next 10 years. I believe that that is critical, because it has been missing, and, frankly, I could never understand why there was not an overarching strategy for arts and culture in the same way that there is for sports.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle. My apologies for earlier. Things seem to have proceeded a lot faster than expected, and I missed my question, so apologies for that.

In light of the important input of the community and voluntary sector, what level of engagement has there been between the Minister and senior representatives from her Department around that particular sector with a view to identifying sources of funding in the Department or to facilitating it to identify alternative sources of funding elsewhere?

Ms Ní Chuilín: I thank the Member for his question. If he wishes, I will try to get to him in writing the answer to the previous question that he missed, so that he can have that. In the response that I gave to Anna Lo, and I am sure that it will come up again, I said that I have been using the consultation period to engage very actively and proactively with members from the arts and cultural sectors right across the board. My officials have been there as well, and they will respond to the consultation. I have not settled on the budget yet, but I intend to at the end of the month. Already, we are asking the ALBs, where possible, to look at how they can make savings in order for us to try to get it out to the voluntary and community sector.

The Arts Council has been very proactive in trying to secure other sources of funding or give information in particular around council areas but also in Europe and some of the trusts. I believe that NICVA has also been very proactive, as well as some of the area partnerships. So, I believe that as much as can be done has been done.

Mr Ó Muilleoir: Go raibh maith agat, a LeasCheann Comhairle. Guím Bliain Úr faoi mhaise d'Anna fosta. I wish to express a happy new year to Anna. Anna, you are too diplomatic to mention that it is the year of the monkey where the media can insert their own joke.

One of the great difficulties of the Fresh Start was that we did not get the budget that we wanted from London. What particular steps has the Minister taken to offset the impact of those Tory cuts? I think in particular of Outburst Queer Arts Festival, which launches tomorrow. That is a newer festival in the city and a great arts event looking for funding. I wonder what steps can be taken generally to offset the impact of the Tory cuts.

Ms Ní Chuilín: I thank the Member for his supplementary question. Some of what I have answered to Anna Lo and to Patsy may have gone some way to answering his question, but it is worth repeating that, in subsequent Budgets, statements and Budget settlements, we have received ongoing cuts from our block grant by the Tory Government. That will have an impact on delivery. It is quite shocking, given the level of need, support, development, inspiration and aspiration that the cultural and arts sector have provided; they help to regenerate the economy and keep people well and safe and healthy. It is really important that we use the last days of the consultation to make those arguments for additional money for arts, because it has proven not only to be money well spent but that it can help to generate money.

I met Outburst festival, and I wish it all the best, but there is an example of where you put a small investment in and there will be a big return for the host city or town.

Mr B McCrea: Minister, many of the ALBs are working to budget cuts of 5-7%. Do you envisage changing that so that, for example, Libraries NI might get a lower reduction and the Arts Council might get a bigger reduction?

Ms Ní Chuilín: Basil, I am not dodging your question. I am sure that you know that I have never dodged your questions, or anyone else's for that matter. I am still actively considering those budgets, and it would be completely inappropriate for me to indicate what the settlement will be for each ALB at this stage, particularly as I am still getting in the information. I will happily keep the Member, and not only members of the CAL Committee but Members of the House, posted when those decisions have been made.

Irish Education and Learning: Demand

7. **Mrs Overend** asked the Minister of Culture, Arts and Leisure what the source of the figures for the growth in the demand for Irish-medium

education and adult learning of Irish was, as quoted in her written ministerial statement of 24 January 2016. (AQO 9558/11-16)

Ms Ní Chuilín: I thank the Member for the question. The source is the Department of Education's school census figures for 2010-11 to 2014-15, which show a remarkable 24% growth in the numbers in Irish-medium education in just five years. A similar trend applies to adult education in Irish.

The 2013 Economic and Social Research Institute (ESRI) survey is the most comprehensive and authoritative source of information about Irish in the 21st century. The survey indicates strong and increasing support for the Irish language, North and South, and that there is an expectation that government should do more to promote the language. My Department's initiative to promote Irish, *Líofa*, has been exceptionally successful, with over 17,000 people already signed up. That increase in demand for Irish and increasing public expectations that the Irish language will be properly promoted and developed by government form an important backdrop to my decision to take forward work within the framework of the Irish language academy.

Mrs Overend: I thank the Minister for that. The figures that she referred to were quoted percentages, which are relative. What were the actual figures for the Irish language academy?

Ms Ní Chuilín: I am sorry, but I did not hear the Member's last point. Is she asking for the actual figures?

Mrs Overend: Yes.

Ms Ní Chuilín: I will get the actual figures for the Member. I will get them for each of the percentages that I quoted. I see that the Member is turning her face up. If there is something that she wants to add, she can do so in writing, and I will happily respond to her.

Mr Campbell: The Minister has outlined the genesis and source of the Irish language percentages and numbers. Does she agree with me that the pursuit of any language can often be thwarted and stunted whenever people see the politicisation of that language, such as has been done by her colleagues in Sinn Féin inside and outside the Chamber on numerous occasions?

Ms Ní Chuilín: The Members really stretches it beyond belief. The only people that I have ever heard politicising a language, stretching a

language and causing offence to people who use that language are you and your party colleagues, and some others. If I thought, for one minute, that the Member was genuine about trying to find out what we can do as a community to work with people who have or want to have Irish as their first language; what we can do as a community not to assault and cause offence to children who are learning Irish and who are educated through the medium of Irish language; and what we can do as a community to try to get over the petty, bigoted sectarianism that they have perpetuated —

Mr Campbell: I thought that you could not answer the question.

Mr Deputy Speaker (Mr Beggs): Order.

Ms Ní Chuilín: — in the House against a language that belongs to everyone —

Mr Campbell: From somebody who said that she does not answer questions.

Ms Ní Chuilín: If the Member has any questions, I would like to hear what they are.

Mr Campbell: Does not avoid questions.

Mr Deputy Speaker (Mr Beggs): Order.

Mr Campbell: She is avoiding that one.

Mr Deputy Speaker (Mr Beggs): Order, or the Member shall be named.

I ask the Minister to continue with her answer, if she has anything further to say.

Ms Ní Chuilín: Thank you. I think that I have answered the question.

Mr Maskey: Go raibh maith agat, a LeasCheann Comhairle. I thank the Minister for her responses so far. She will obviously be very aware — her Department has been a contributor — that the *Cumann Cluain Árd* in my constituency has seen its biggest investment in maybe 50 years. That has been the cradle of Irish language learning for many people for many decades. Will the Minister congratulate those Irish language learners in my constituency and perhaps give examples of others?

Ms Ní Chuilín: I certainly congratulate *Cumann Cluain Árd*, which, when I was a girl growing up in North Belfast, was seen as one of the authorities in learning and developing the language, particularly during the decades when

it was not easy. Thankfully, there are many other organisations that not only have the experience of Cumann Ćluain Ārd in Belfast but are growing right across the North and right across the island. In the survey that it produced last year, Foras na Gaeilge showed that a lot of people have taken up the formal learning of Irish. They are learning in places like Ćluain Ārd. I was absolutely delighted to make an investment in that. The Member is also lucky enough to have Ceathrú na Gaeltachta in its own constituency, the Gaeltacht Quarter. I made an investment in that through Forbairt Feirste, which is the secretariat of Ceathrú na Gaeltachta. It will be taking forward a scoping exercise around an Irish language academy.

Mr McCrossan: I thank the Minister for her answers so far. Will the Minister outline when the House can expect the outcome of the assessment to determine levels of economic and social development and employment opportunities in relation to the Irish language? Can those levels be developed within the framework of the Irish language academy?

Ms Ní Chuilín: The first scoping study that we did around some of the topics that the Member raised highlighted the need for a purpose-built, stand-alone academy. That would not just be for the Irish language but would look at the some of the same things in Ulster-Scots culture and heritage. However, it was very academically focused and actually missed the point that the Member has raised. Therefore, taking into account some of the parts of the first scoping exercise, another exercise was developed to look into not only economic regeneration, development and job creation, but learning the language and how it can be blended in. One of the big and growing gaps in the first exercise was the question of what can be done for children and young people who are leaving the post-primary sector and not going on to third-level education.

We also need to make sure that, wherever adults go to learn the language, be it classes in Strabane, Ćluain Ārd or anywhere else, they get the same standard and same level across the board. I am also looking forward to the results of that scoping study because, at the end of the day, the Irish language is regenerating the economy. Irish language activists are ratepayers and taxpayers too. They have rights, and I want to ensure that, collectively, we not only protect those rights but do so with an open heart.

Arts and Culture: EU Funding

8. **Ms Hanna** asked the Minister of Culture, Arts and Leisure for her assessment of the importance of EU funding to the arts and culture sector. (AQO 9559/11-16)

Ms Ní Chuilín: I thank the Member for her question. I believe that it is of significant importance for my Department and its arm's-length bodies to raise their profile in Europe and expand European engagement, including maximising potential funding sources. DCAL, through the Arts Council, has a dedicated resource in place to help artistic, cultural and creative organisations access competitive European funding, mainly through the Creative Europe funding programme.

During the previous funding round, the Arts Council facilitated the drawdown of an average of £300,000 a year to organisations in the arts and culture sectors. Since Creative Europe was established in 2014, a number of events have been delivered by a dedicated European engagement officer to the audiovisual and creative and cultural sectors across the North, with more than 1,000 participants attending. In addition, since that time, comprehensive support has been provided to 15 projects submitted to the Creative Europe programme. To date, the Arts Council and Foras na Gaeilge have secured funding from the Creative Europe funding stream.

Ms Hanna: I thank the Minister for her answers. I agree that the EU has been an important catalyst not just in funding terms but in the increased audience for our art and the less tangible benefits around diversity. Has your Department done any planning for how that funding deficit would be met in the unfortunate event of a UK withdrawal from the EU?

Ms Ní Chuilín: As the Member has pointed out, there is a lot of concern and anxiety around the whole Brexit argument. My Department is, along with others, looking into what the implications of that would be. I think that the sectors and the community should be heard. I heard some of the debates among the business community both in England and here, and 80% there and 90% here are for us not withdrawing but staying as we are. I think that, if you were to apply that same question across culture, arts and leisure and the community and voluntary sector, the figures would be similar. We are still trying to work through potential scenarios and look at how any gaps that are created can be met, if at all.

2.30 pm

Mr Deputy Speaker (Mr Beggs): That ends the period for listed questions. We will now move to topical questions.

Salmon Nets Licensees

T1. **Mr Swann** asked the Minister of Culture, Arts and Leisure for an update on what steps her Department is taking to buy out or close down salmon nets, given that, in response to a recent question for written answer, she told him that she had paid over £300,000 to a salmon nets licensee. (AQT 3441/11-16)

Ms Ní Chuilín: As the Member will appreciate, this has been an elongated process, particularly for the families concerned. This business has been in families for generations, and we want to be as fair as possible within the guidelines for spending public money. I do not have any definitive response about what to do about the remaining salmon net owners. I will respond to the Member in writing, but I will give him as robust an answer as I possibly can because I am aware that he is working with some of them in his constituency.

Mr Swann: I thank the Minister for her open answer. She is well aware of the work that was done on salmon fisheries, especially with regard to catch and release. If that amount of money has been attributed to the nets owners, and there is still more money outstanding to be paid to them, will she advise us whether she has any sort of counterbalance to give to angling clubs, which voluntarily took up catch and release at the start in order to drive the conservation of salmon.

Ms Ní Chuilín: Like the Member, I commend the angling clubs because they have enthusiastically and genuinely not only helped with the mandatory catch and release as it is now, but continue to act as guardians of the waterways. I understand that there is some concern, given the level of protections that they are engaged in, that some of the netsmen seem to be unwilling to engage in that process. I understand the sensitivities around the issue, but, notwithstanding that, I will try to get the Member the answers that he has asked for as quickly as I possibly can. I definitely hear what he is saying.

Scéim Pobal Gaeilge

T2. **Ms Ruane** asked the Minister of Culture, Arts and Leisure for an update on the Scéim Pobal Gaeilge programme. (AQT 3442/11-16)

Ms Ruane: Go raibh maith agat, a LeasCheann Comhairle. An dtig leis an Aire eolas a thabhairt dúinn faoin dul chun cinn atá á dhéanamh i Scéim Pobal Gaeilge?

Ms Ní Chuilín: I thank the Member for her question. This is something that remains fairly topical in communities. The new arrangements for Scéim Pobal Gaeilge, which will see an increase in the number of groups from 19 to 25 to 27, will happen after July this year. I am thankful that the work that I have done with my counterparts will ensure not only that the scheme is extended but that there will be an increase towards some of the running costs. If you are looking for an example of what works on the ground, helping people who are learning Irish but also helping families and communities to get services through the medium of Irish, it is Scéim Pobal Gaeilge.

Ms Ruane: Go raibh maith agat. Gabhaim buíochas leis an Aire as an fhreagra sin. I thank the Minister for her answer. What approach are her counterparts, Ministers McHugh and Humphreys, in the South of Ireland taking in relation to Scéim Pobal Gaeilge?

Ms Ní Chuilín: We agreed the revision of the scheme, so they are happy with that. We are still looking at what additional money we can get for Foras na Gaeilge, specifically for this scheme. We are looking at ways in which the groups that applied to the scheme can access other funding from Foras na Gaeilge and perhaps an increase in some of the running costs. Some of the running costs that have been awarded by Foras na Gaeilge to the groups will, potentially, inhibit them from operating, and that was not the original intention. We are having discussions and, hopefully, we can conclude this before we leave our respective offices. I know that officials in both Departments are working very closely on this as we speak.

Casement Park: Alternative Venue

T3. **Mr Weir** asked the Minister of Culture, Arts and Leisure, in light of some of the problems that have arisen with Casement Park, whether the GAA is seeking an alternative venue. (AQT 3443/11-16)

Ms Ní Chuilín: I am not aware of any alternative venues, and there should not be any. The Member and some others in his party are in the awful position of lobbying for the 2023 Rugby World Cup bid, and there are other Members who are anti-GAA, anti-Casement Park and anti-west Belfast, and they do not

want the investment going into that area. Not only am I completely unaware of any other venue, but if it is not Casement Park it is not anywhere.

Mr Weir: It is good to see that a wide range of alternatives is being considered. In light of some of the difficulties, what actions are being taken by her Department to find a solution and resolve the issues between local residents and the GAA?

Ms Ní Chuilín: There are several residents' groups. I know that the Member's party is working with the Mooreland Owenvarragh Residents' Association (MORA), as it is perfectly entitled to do. I met with MORA in the past, and I met with other residents' groups, and, indeed, other businesses in the community whose premises have been on the doorstep of Casement Park for generations. I will ensure that, when the pre-consultation period takes place in March, anyone with concerns will have them heard by the Ulster Council and, where appropriate, they will be rectified before any formal planning application is submitted.

Easter Rising Commemoration: DCAL Funding

T4. **Mr Humphrey** asked the Minister of Culture, Arts and Leisure how much funding she has allocated to the commemoration of the Easter rebellion. (AQT 3444/11-16)

Ms Ní Chuilín: A package of funding was made available by my Department for the decade of centenaries. I will get the Member a figure for this year, for the Easter rising and the Somme, as it is 2016 that we are talking about. I will get him a figure for how much is being spent, and what some of my Department's ALBs are doing as regards exhibitions, talks and discussions. Given the opportunities we had to go to lectures and events in other commemorations, I would like to ensure that all Members from all parties feel that they can go to, for example, the Linen Hall Library or the Ulster Museum, or whatever the case may be, to hear about certain aspects of the Somme or the Easter rising at first hand. I will get the Member those figures in writing.

Mr Humphrey: I thank the Minister for her answer, and I look forward to getting the figures; I will be interested in them. Given the rebellion's divisive nature, its attack on the state and democracy, and the fact that it had little or no support across Ireland, in particular in what is now Northern Ireland, is this the best use of public money?

Ms Ní Chuilín: The Member has his own perspective on history. From my perspective, I believe that the Enterprise, Trade and Investment Minister — and now the Member's party leader — and I entered into support for a decade of centenaries that included them all. There are certain aspects of the Member's history, and that of his community, that I feel are not palatable; I certainly do not feel that they were democratic. However, I am big enough to recognise that we need to celebrate and commemorate these events from the position of respect, and of dealing with facts, and a position from which we hope to regenerate — and generate discussions to, hopefully, build — good relations. Hopefully, the Member will have that in mind when he asks the question about something like this, because I have had feedback from the community — not just his, mine too — and it is up for this.

Dungiven Sports Complex

T5. **Mr Dallat** asked the Minister of Culture, Arts and Leisure, who said at the beginning of Question Time that she is coming to the end of her reign in the Department, whether she agrees that the recent controversy about the sports complex in Dungiven was shameful and should never have happened and whether she is satisfied that the money now set aside for that project is ring-fenced and that a future Minister with responsibility for culture, arts and leisure will not unravel it. (AQT 3445/11-16)

Ms Ní Chuilín: I am content that the money has been ring-fenced. Just to make sure, I will repeat that again: the money is ring-fenced for my Department for a sports facility. I think it is incredible — and that is as much as I will say — that, in 2016, we still have people who would rather cut off their nose to spite their face. I think it is ridiculous that, with public money, we are still looking at an us-and-them situation rather than at addressing need. I believe that the investment in Dungiven will benefit the people of the town and the outlying areas. The people I met came from across that community and the Member's constituency of East Derry. If there is any hint, or any saying of funny business, or that nothing is going to happen, that will not happen with my money.

Mr Dallat: I thank the Minister for her very positive answer. As someone who spent 33 years in Coleraine — the same time that our Lord spent on this earth — it was heartbreaking to see the performance that went on. Does the Minister agree that, 18 years into an Assembly, we should have matured beyond this sniggering

at each other's misfortunes and beyond putting energy and synergy into trying to deprive a community of a space that it needs?

Ms Ní Chuilín: I agree with the Member that, 18 years after the Good Friday Agreement, there is an expectation that things should have moved on. Sometimes, when you look at issues or events that have happened, it is a real flashback to perhaps even further back than 18 years ago. People who want to go back to the past are severely deluded. There is no going back; we are all going forward. Some may need to be dragged forward, but forward they will go. At Dungiven, as with any other sports facility, it is about need, not creed. The days when people invested in facilities and then tied up the swings are well gone.

CAL Budget: Stakeholder Consultation

T6. **Mr Allen** asked the Minister of Culture, Arts and Leisure, given that the timescale for this year's Budget process is very tight and will not allow for the usual consultation, whether she has any plans to seek comments from key stakeholders. (AQT 3446/11-16)

Ms Ní Chuilín: I thank the Member for his question. Two fairly big consultations are under way in my Department: one on the subregional programme for soccer; the other on an overarching 10-year strategy for arts and cultures. They have been very beneficial, and people did not talk just about those subjects. Those who attended the meetings were from the community and voluntary sector. They represent a wide range of needs and used the opportunity to raise other concerns. As I said in answer to previous questions, that process has not been completed. It will be complete at the end of this month. My aim for the process will be consistent with the position that I have adopted in my Department: I will protect people, particularly the vulnerable, as much as I can.

Mr Allen: I thank the Minister for her answer. Does she anticipate any reduction or ending of school and community engagement programmes as a result of budget cuts?

Ms Ní Chuilín: I am not aware of the specific programmes that the Member has in mind. If he puts his concerns in writing, I will try to have them responded to. I repeat: my job is to try to protect people, particularly those who have had difficulty in the past in accessing front-line services. Through DCAL and its arm's-length

bodies, I will try to make them a priority as best as I can.

Enniskillen Library

T7. **Mr Flanagan** asked the Minister of Culture, Arts and Leisure for an update on Libraries NI's proposals for the redevelopment of the library in Enniskillen. (AQT 3447/11-16)

Ms Ní Chuilín: The Member is aware that we are in the final stages of looking at the proposals for that. I hope that that exercise will be completed, if not by the end of this month, by the beginning of next. I will keep Members informed.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. The Minister may be aware that, in Cookstown, the South West College campus is co-located with the library, which presents obvious synergies for the community and the student population. Does she accept that such synergies could be generated in Enniskillen, with the co-location of the Enniskillen library on the site of the proposed South West College at the old Erne Hospital site in the town?

Ms Ní Chuilín: Without coming down on a preferred site — the Member has been very detailed on his preferred option — I accept his point: to ensure the best use of public services, they should, as far as possible, be developed in parallel, if they are not to be neighbours. We have that in mind. In fact, Libraries NI, one of the ALBs in DCAL, has gone a long way not only with users of its service but with other Departments in having libraries as a focus and making them venues in which people can access other services that they find difficult or are reluctant to access elsewhere. In that way, we can maximise public investment and make a bigger return for ratepayers, taxpayers and people. In so far as we can do that, I am open to looking at it, but it is not appropriate for me to comment on the specific proposals that the Member mentioned.

Mr Deputy Speaker (Mr Beggs): I call Gordon Lyons to ask his question quickly, as we are running out of time.

Libraries

T8. **Mr Lyons** asked the Minister of Culture, Arts and Leisure, given that she will know that last week was National Libraries Week, when he had the pleasure of visiting Whitehead library, and that libraries are more than just

places to go to to borrow books, what action her Department is taking to ensure that people are aware of the different services that are provided and to ensure the sustainability of local libraries. (AQT 3448/11-16)

Ms Ní Chuilín: The Member is aware that, in the past, I have given a higher level of protection to libraries than to other ALBs in my Department because the services offered in libraries have an overarching aspect. They are about more than borrowing books. Information and generating awareness are key, and libraries have been very good at that. Not only have they brought in additional people who have become members, but they have brought in people who did not even know that the services were there in the first place.

Mr Deputy Speaker (Mr Beggs): Time is up.

2.45 pm

Education

GCSE Grading System

1. **Mr Kennedy** asked the Minister of Education for his assessment of the effect his decision not to implement the numeric GCSE grading system will have on the ability to compare local GCSE results with those in other parts of the United Kingdom. (AQO 9566/11-16)

2. **Mr Dallat** asked the Minister of Education, given his decision to maintain a letter-based GCSE grading system, to outline the steps being taken to ensure that students are not disadvantaged by being restricted to CCEA examination entries only. (AQO 9567/11-16)

13. **Mr B McCrea** asked the Minister of Education whether he plans to change the GCSE grading systems to match the system proposed for England from 2017. (AQO 9578/11-16)

14. **Mr Anderson** asked the Minister of Education for his assessment of the implications of the decision by the AQA and OCR examinations boards to withdraw from GCSE examinations in Northern Ireland. (AQO 9579/11-16)

Mr O'Dowd (The Minister of Education): With your permission, Mr Deputy Speaker, I will answer questions 1, 2, 13 and 14 together.

I believe that it is in the best interests of learners here to continue with the well-established grading using letters. Requiring all

GCSEs here to be graded in that way will avoid unnecessary complexity. It is very disappointing that some organisations are choosing to put commercial interests ahead of the needs of our young people and will no longer offer their GCSE qualifications here. I assure pupils and parents that our young people will continue to be able to access a wide range of subjects and courses from CCEA, WJEC and other awarding organisations.

My Department has written to schools with initial guidance, including arrangements for pupils who are already working towards 9-to-1 GCSEs in maths and English literature provided by awarding bodies that have now decided to leave us. Further guidance will be provided shortly on the alternatives available to fill the gaps that emerge in the range of GCSEs on offer as a result of their decisions.

It is, of course, important, that qualifications offered here are relevant and appropriate for our young people and our economy. It is also vital that qualifications offered here continue to be recognised by universities and employers across these islands and beyond. Systems are already in place to allow comparisons to be made between exam outcomes here and in other jurisdictions across these islands and beyond. My decision on GCSE grading does not change any of that.

Mr Kennedy: I listened closely to the Minister's answer. A key selling point for the Northern Ireland education system is that, traditionally, our pupils get better A-level, AS-level and GCSE results than their compatriots in England and Wales. Does the Minister agree that we should protect that record, and does he agree that it is essential that we should compare and benchmark our performance against other parts of the United Kingdom, especially in key subjects?

Mr O'Dowd: Yes and yes, but none of the decisions that I have made to date will change that. We will still be comparable to England, Wales, Scotland and the South of Ireland. None of the decisions that I have made negates or does away with such comparability across these islands. It is vital that we measure our education system against those of our nearest neighbours or other jurisdictions. It is also vital that we are able to measure our education system against the leading education systems in the world. While I fully understand — it is only natural — why we compare our results at the summer awarding time with England's, we have to move beyond that. That is nothing to do with this decision, I have to say. We have to compare with the leading education systems

across the world and ensure that our students match them.

Mr Dallat: I listened carefully to the Minister's answers. Does he agree that it is bad enough having two examination systems on this small island without introducing a third one? Does he also agree that, when employers assess people for jobs, they may not be as knowledgeable about the grades as the Minister is or as I am as a former teacher?

Mr O'Dowd: The reality is that we have two qualification systems on this island, and we now have divergence in GCSE grading on these islands. Wales has maintained the alphabetical awarding system, as have I. As you are aware, England has moved to a 9-to-1 system, and Scotland has its own qualifications. That is the reality of the situation and the reality of devolved government. Devolved institutions will make decisions that they believe are in the best interests of their students.

Employers now deal with qualifications from across Europe. The debate about Brexit and our relationship with Europe is relevant here, because, with the influx of European workers into our economy, employers — particularly major employers — deal with qualifications from a range of European countries. Our universities deal with a range of qualifications not only from Europe but from around the globe, and all manage perfectly well.

Mr Anderson: Minister, what discussions did you have with teachers and their representatives on this issue before you made your decision on the grading change?

Mr O'Dowd: Consultation on this matter took place over a 12-week period. There were consultation responses from teachers, teachers' organisations, parents and pupils, the business sector and other sectors. As with many consultation responses, there was a variety of opinions, whether among teachers or other professionals, about how you maintain qualifications and score those qualifications. However, the key message coming from the consultation responses is that we want to maintain, and ensure that there is no confusion around, the publication of examination results with a variety of numbers and alphabetical scoring on the one awards sheet that is given to pupils.

Mr Weir: In addition to the general concerns that have been raised on this matter by myself and others, I ask the Minister to comment specifically on the computer science GCSE. At

the weekend, Professor Crozier of Queen's University expressed a concern about the removal of the more technical computer science GCSE, which is currently provided by the English boards, and that the current CCEA ICT computer science one is less technical and will leave Northern Ireland students at a disadvantage. What assurance can he give that a computer science GCSE that matches what is there from England will be put in place?

Mr O'Dowd: CCEA is developing a new GCSE in ICT. Importantly, CCEA is developing it in conjunction with local employers and industry leaders. The way forward in qualifications is to develop them in conjunction with employers and leading academics in the subject. I am confident that the new GCSE that will be introduced by CCEA will have the same rigour and fortitude as the one that the professor commented on over the weekend. We also have a very rigorous A level in ICT that is recognised by universities and others. I listened carefully to the concerns raised over the weekend, but I am satisfied that the course of action that we have taken will not put our students at a disadvantage in any subject, including computing.

Mr Allister: The Minister must have known when he made his decision that English boards were not going to establish a separate marking system for Northern Ireland students. Therefore, he knew — and presumably wanted — that the outcome would be to reduce the choice for schools and pupils in Northern Ireland. Is his agenda not as obvious as it is political?

Mr O'Dowd: No, it is not political — it is educational. I note that no one who has presented me with questions thus far has presented me with an educational argument not to take this decision. You have chosen a political question rather than an educational question to confront me about my decision, but I await someone challenging me for educational reasons. It was an education decision based on sound data, consultation and the needs of our local students. It would be a very unfortunate position for any Minister to start making decisions based on the commercial needs of companies that provide services to Health, Education or any other Executive Department. We have to make decisions that we believe are in the best interests of our young people. If commercial enterprises wish to follow, well and good. If they do not, so be it.

Post-primary Schools: Enniskillen

3. **Mr Flanagan** asked the Minister of Education how he will ensure the views of the local community are taken into consideration in relation to proposals by the Council for Catholic Maintained Schools (CCMS) on the future of the four post-primary schools in Enniskillen. (AQO 9568/11-16)

Mr O'Dowd: CCMS has a statutory duty to promote and coordinate, in consultation with the trustees, the planning of effective provision of Catholic maintained schools. The statutory development proposal process facilitates extensive consultation and has two distinct stages. Prior to publication, the onus is on the proposer, in this case CCMS, to consult the boards of governors, teachers and parents of the affected schools. The Education Authority also has a duty to consult all other schools likely to be affected. Once a development proposal is published, a two-month objection and comment period begins, during which anyone can make their views known directly to my Department. I endeavour to engage with concerned or interested parties during this stage to listen to their views on a proposal before I decide whether to approve it.

The 2015 strategic area plan for post-primary schools states that the trustees recommend the phased development of two large single-sex schools in Enniskillen. The statutory development proposals to support that intent have not been published. Until they are, neither my Department nor I have any role.

Mr Flanagan: Go raibh maith agat, a LeasCheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answer. This issue affects people across Fermanagh, not just Enniskillen. The four schools in question — St Michael's, St Joseph's, St Fanchea's and Mount Lourdes — all provide excellent education to the students who attend them. At what stage will the Department and the Minister, whether he or his successor, become involved in the process to ensure that the views of the local community are heard on the matter and that a decision in the best interests of the young people of Fermanagh is reached?

Mr O'Dowd: The only point at which I or the next Minister will become involved is when development proposals are published in relation to the plans outlined by CCMS in one of its documents. At that stage, it is opened up to two months of consultation, where the Minister will engage with locally interested parties, including the schools and others, on the issue and take on board evidence, verbal and written,

from the various parties on the matter. Only after that two-month consultation can a decision be made.

Mr Patterson: The Minister will probably be aware that there is a widely held view across Fermanagh that schools in the controlled sector have been treated very differently from those in the maintained. The controlled post-primaries in Kesh, Ballinamallard and Lisnaskea have all been closed, with the promise of a new build in Enniskillen, which, in reality, is some way off. Does he understand the frustration when local people see what is clearly an unfair approach taken with other valuable schools, such as the one in Brollagh?

Mr O'Dowd: I do not accept your view on that matter. I have been involved in wide-scale consultations with a cross-section of the community in Fermanagh over my tenure as Minister. I was the Minister who brought forward the new build for Devenish College, and I was the Minister who defended that new build when representatives from Fermanagh told me that it would never happen. I am sure that it was very desponding for the board of governors of Devenish College to hear elected representatives in the Chamber tell me that a build would never happen. The build is happening. Devenish College will rise up as a new school in the near future. Work is already taking place on site to deal with the difficult lay of the land in that area.

The delay in dealing with and improving educational facilities in the controlled sector in Fermanagh has as much to do with those who refuse to accept the need for change as it has with those who want to promote change. The judgement last Wednesday or Thursday shows that the decision that I made in relation to Portora and Collegiate was the correct one. The judge rejected 29 of the, I think, 32 original points of appeal, several of which were dropped during the case. The judge rejected every point of appeal brought forward and said that the Minister's decision was correct and rational. We now have the programme for change that is needed in the controlled sector, and I am determined to back it up with investment in new schools for the controlled sector in Fermanagh.

Mrs D Kelly: On the principle of shared education, have you, Minister, added any caveats or conditions that schools must comply with to avail themselves of shared education funding, such as having to participate in Key Stage 3 assessments?

Mr O'Dowd: I welcome the Member to her role as education spokesperson; I look forward to locking horns with her. This is an issue that goes back several months. I have included the caveat that schools should report on levels of progression. Why would I not? Why would I not insist that schools report on levels of progression when we are talking about a significant investment of public funds in a scheme that is about shared education and ensuring that it not only creates changes in our society but delivers high-quality education?

Several of the unions objected. I engaged in great detail with them, and we have now come to a compromise position; we are working our way through the levels of progression. Engagement with the unions will continue. That will be only for the betterment of creating levels of progression that all schools and unions are comfortable with. It will also ensure that the Education Department, the Executive, the Assembly and all the others tasked with looking after public money can be satisfied that it is well invested.

3.00 pm

Mr Deputy Speaker (Mr Beggs): Paul Girvan is not in his place.

Easter Rising: School Commemorations

5. **Mr McElduff** asked the Minister of Education for an update on any plans his Department has to support or facilitate schools in marking the centenary year of the 1916 Easter rising. (AQO 9570/11-16)

Mr O'Dowd: Since 2013-14, my Department has cooperated with the Department of Education and Skills in the South in running an all-island history competition for schools to commemorate the decade of centenaries. As part of the Ireland 2016 programme to commemorate the events of 1916, of which the Easter rising is one, three all-island schools' competitions will be held this year in history, drama and art. The cross-curricular nature of those competitions provides opportunities for pupils to learn about that important period in our history. Additionally, the Council for the Curriculum, Examinations and Assessment (CCEA) is working on a 1916 mutual understanding programme for schools, with the objective of providing curricular support and materials for teachers and learners that will allow them to explore the history and legacy of events associated with the 1916 year of centenaries, including the rising and the battle of the Somme. I have agreed to provide

funding of up to £45,000 for that work by CCEA in 2016-17.

Mr McElduff: Go raibh maith agat, a LeasCheann Comhairle. In commemorating 2016 as a year of centenaries, with its important milestones and historical anniversaries, can he assure us that schools will feel as comfortable about looking at the 1916 Easter rising as they might about looking at the First World War?

Mr O'Dowd: The all-Ireland competition we are running with the Department of Education and Skills in the South and the funding I am providing to CCEA are to ensure that schools can look at both significant events of 1916, with the centenaries of the rising and the battle of the Somme. There are schools that will choose to look at both events, and there may be schools that will choose to look at one or the other.

I know that, with my children, the conversations around the dinner table range from the 1916 rising to the First World War. I think that is very interesting. In fact, one of my sons asked me whether I was around during the First World War, and I had to convince him that I was not. There are opportunities for schools to look at both the major events of 1916 going through 1916 or to look at singular events. I encourage them to look at both.

Mr Hussey: Does the Minister agree that great care must be taken to not glorify the mistakes of history? For example, in the Easter rising, one of the first killed was a Dublin Metropolitan Police officer who was killed in cold blood.

Mr O'Dowd: Events in history are issues that there are always differences of opinion on. It is clear that death occurred on the streets of Dublin, as it did around the banks of the Somme. There are many studies and views on whether either of those battles was necessary and whether the great loss of life, be it in the First World War or the Easter rising and the preceding war of independence, was inevitable or necessary. I want to ensure that schools have an informed debate, are comfortable in that debate and engage with each other. Yes, we should learn from the mistakes of history, but it is not only schoolchildren who need to do that: adults in the Chamber would do well to learn from the mistakes of history too.

Mr McCausland: I thank the Minister for his answer. In Ulster in 1916, there was no rebellion. The rebels gathered in Tyrone, and, apart from two of them shooting themselves

when their guns went off accidentally, they simply went home on the train afterwards. Will the Minister assure us that that information will be incorporated into the same material?

Mr O'Dowd: The history of the rising will be interpreted by and taught through schools. I do not provide the material to schools and say, "You must teach it in this way". The information they get is open to interpretation by the schools.

The Member will be aware that there was a rebellion in the Six Counties: the UVF was still armed to the teeth. They still had the guns they landed in 1913 and were still threatening war against the British state if home rule was, in their words, imposed or if partition did not take place. So, there was a rebellion. It was a rebellion on the other side of the argument, perhaps, but there were certainly those who were hoarding guns — *[Interruption.]*

Mr Deputy Speaker (Mr Beggs): Order.

Mr O'Dowd: There were certainly those who were hoarding guns; there were those who were planning an armed uprising; and there were those who were threatening to carry out violence against the king and his forces. The Member may want to write that out of history; I do not.

History does not scare me. Learning about history does not scare me. Learning about the mistakes of history does not scare me. Learning about other people's perspectives on history does not scare me. What scares me is when we make the mistakes of history.

Schools: Budget 2016-17

6. **Mrs Overend** asked the Minister of Education when schools will receive notification of their budget for 2016-17. (AQO 9571/11-16)

Mr O'Dowd: Following the Executive's agreement of the 2016-17 Budget on Thursday 17 December 2015, which was subsequently passed by the Assembly on 19 January 2016, I am working through the impact of the Budget 2016-17 outcome on the education sector and have not yet come to any final decisions in relation to that. The budget settlement for education is challenging, partly as a result of the real-terms reduction to the Executive's resource budget by the Westminster Government. However, the position for education is significantly better than previously anticipated. My aim is to have reached final decisions on my Department's budget

allocations within the next number of weeks to allow for early notification to schools.

Mrs Overend: I thank the Minister for his answer. The Minister will be aware that schools work to a three-year budget cycle and that, as it stands, they do not know what their budget will be for the 2016-17 year. Has he given any consideration in the five years in which he has been Minister to doing something about that and to change it?

Mr O'Dowd: Perhaps my memory is playing tricks on me, but do I recall the Ulster Unionist Party challenging the Executive over their four-year CSR Budget and calling for a year-on-year Budget settlement, rather than producing a four-year Budget at the start of the mandate? I think that the Ulster Unionist Party and, I believe, your colleagues in the SDLP opposed a four-year Budget at the start. We are in a one-year Budget cycle because we are facing into an end-of-mandate election. There will be an election in May; there will be a new mandate; and there will be a new Executive. It will be up to the new Executive, if they so wish, to approve a Budget period over four years. Schools will then have certainty around what their budget will be like for the coming period on the three-year plan. We are in a unique position. As I said, the election is coming. We have to set the Budget, and there is nothing we can do about it at this stage.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. Will the Minister give us a little more information on what impact the increased capital budget will have on schools in the 2016-17 financial year?

Mr O'Dowd: The increase in the capital budget is a good news story for Education. We have seen a significant increase in the capital budget for the Education Department both in normal capital and the injection of money from the Fresh Start Agreement, which committed £50 million per annum for shared and integrated education and, indeed, shared housing. Hopefully, we will be able to work our way through a significant part of the minor works backlog that has built up this year. We are moving ahead with a significant new school build programme and a school enhancement programme (SEP). Indeed, I hope to be in a position in the coming weeks to announce several more projects that will move onto site shortly.

Schools: Heating Systems

7. **Mr Clarke** asked the Minister of Education what consideration has been given to replacing oil-fired heating systems with gas-fired systems in schools. (AQO 9572/11-16)

Mr O'Dowd: I am committed to ensuring that the schools estate plays its part in reducing greenhouse gas emissions and improving energy efficiency. I, therefore, continue to consider investment in gas conversions, within the budget available to me and within the availability of the natural gas network. In the 2014-15 financial year, I invested £10 million on a range of energy efficiency projects across the schools estate, including the conversion of oil-fired to gas-fired heating in 16 schools.

Mr Clarke: I thank the Minister for his answer. I welcome the fact that he is looking at energy efficiency in our schools. I had a recent meeting with Firmus Energy, which is a provider in the south Antrim area. I was alarmed to find out the number of schools that had not converted to gas. Given that we hear, quite often, in the headlines about schools from which oil has been stolen, I appeal to the Minister to do more in areas where gas is available. What assurance can the Minister give that he will do more for the schools in each of the constituencies where gas is available to give them security of supply?

Mr O'Dowd: I note the Member's comments on security of supply, but, at the moment, given that oil prices are so low, I suspect that many schools are quite happy to continue with oil-fired central heating. I also note the comments made on green energy, energy efficiency, and so on. As he will know, energy markets fluctuate. Gas is also at a reasonable price at the moment. World affairs can have a major impact on gas prices as well, so, as regards predicting future prices, it is a topsy-turvy sort of economy. My Department works with the Education Authority and the other managing authorities on conversions. Moving forward, we will make budgets available as we can to ensure that our schools have the most up-to-date energy systems.

Mr McMullan: Can the Minister tell us the number of schools that currently operate with gas-fired heating?

Mr O'Dowd: Currently, 739 sites in the education estate are connected to the natural gas network. Those include schools, school meals accommodation, youth clubs and administration buildings. I will provide the Member with a full breakdown in writing of the schools involved.

Transfer Tests

8. **Mr McAleer** asked the Minister of Education for an update on the number of schools that are continuing to use transfer tests for year 8 admissions. (AQO 9573/11-16)

Mr O'Dowd: For transfer in 2016, 62 post-primary schools are using children's results in unregulated tests as a basis for year 8 admissions. Although some schools appear to be wedded to the outdated notion of testing children for admission, an increasing number of grammar schools have chosen to abandon academic selection.

St MacNissi's College dropped selection in March 2010 when it amalgamated with two other County Antrim schools to become St Killian's College. Loreto College in Coleraine has been operating successfully as a non-selective grammar school since September 2012. St Patrick's Grammar School in Armagh has abandoned academic selection. St Ronan's College in Lurgan, which opened in September 2015, operates as a non-selective grammar school.

More Catholic grammar schools have announced that they are exploring the possibility of moving in the same direction. Loreto Grammar School in Omagh and Omagh Christian Brothers Grammar School have signalled that they wish to move away from academic selection on a phased basis, while plans are being developed in Fermanagh that could lead to the end of academic selection at Mount Lourdes Grammar School and St Michael's College in Enniskillen. St Louis Grammar School in Kilkeel is also exploring the possibility of moving away from academic selection. Furthermore, I will shortly be making a decision on a development proposal for the phased ending of academic selection at Dominican College in Portstewart.

Mr McAleer: Go raibh maith agat, a LeasCheann Comhairle. The Minister referred to a number of schools in the Omagh area that have forwarded proposals to move away from academic selection. Can he outline the impact that he believes that will have on educational provision in the local area?

Mr O'Dowd: Given that those development proposals are live, in the sense that there is now pre-consultation, after which they will move to publication, it would be inappropriate of me to comment on them specifically, but I note that, in other areas where academic selection has been

brought to an end, schools and the educational outcomes of their young people continue to prosper. That proves that you do not require academic selection to have a high-quality education system for our young people.

Mr Diver: I thank the Minister for the information provided on those schools that are trying to move away from the transfer test. Specifically, however, what support is being given to schools that are attempting to move away from the practice of transfer tests?

Mr O'Dowd: It will depend on the case and on whether it was an amalgamation or a closure and the beginning of a new school. It will depend on how the schools move away from academic selection. It is noted that the schools that have taken that step forward have not seen the predicted decline in numbers or in support from the local community. They have not seen the predicted decline in academic results or, indeed, educational results of young people. I encourage the boards of governors out there that are not considering ending academic selection to sit down and have a real conversation about how they believe they are contributing to the educational well-being of the entire community, not just some in the community, because I believe that those schools that have taken that step forward have shown the doubters that world-class education can be and is provided in the absence of academic selection.

Mr Deputy Speaker (Mr Beggs): That ends the period for listed questions. We now move on to topical questions.

3.15 pm

Schools: Wasted Money

T1. **Mr Dallat** asked the Minister of Education what he plans to do about the millions of pounds that have been wasted by boards of governors that have, against the background of teachers unable to find jobs, overcrowded classrooms and bad maintenance, rather than create posts, suspended teachers for up to three years, only to bring 99% of them back into service. (AQT 3451/11-16)

Mr O'Dowd: We have an education system and education legislation that devolve a significant amount of power to boards of governors. Boards of governors are the employing authority of schools and deal with their day-to-day management. The management of staff in schools is the responsibility of boards of

governors. Therefore, it is the responsibility, first, of the managing authorities, whether it be the Education Authority or the Council for Catholic Maintained Schools (CCMS), and boards of governors to ensure that suspensions are dealt with as quickly as possible and that the rights of staff who are suspended and the rights of those who have made allegations against staff are respected and protected. Once you get into that, you can end up with quite significant delays in dealing with sometimes very complicated accusations against staff, or vice versa, and that is when you end up with lengthy suspensions. I believe that more can be done to shorten the length of suspensions. That would improve the morale of the staff who are suspended and, for those who have made accusations, would ensure that the issue is dealt with quickly. It would also save money for the public purse.

Mr Dallat: Mr Principal — sorry, Mr Deputy Speaker — you might be Principal Deputy Speaker in the next Assembly.

I am not sure if I am hearing the Minister right but, attempting to be positive, is he telling us that the monitoring of this was totally deficient in the past and that he will ensure that there is monitoring of all schools? I understand that many schools are not monitored at all. Will he convince the world at large that the squandering of £4.2 million in the past five years will not be repeated?

Mr O'Dowd: I wonder whether the Member has ever made any representations on behalf of a suspended teacher.

Mr Dallat: Yes, you know I have.

Mr O'Dowd: Right, OK. Therefore, you accept and defend the right of suspended teachers to be treated fairly and equally under employment legislation and under the rules that govern their school. Where do you draw the line with the £4.2 million that you say has been wasted? Is it that the money was not wasted on the staff you represented but that it was wasted on the staff you did not represent and on that side of the argument? Where do we draw the line?

I am being told by schools that they have to go through these procedures and that they are honouring the rights and entitlements of the teacher or member of staff, and honouring the rights and entitlements of the person who made the complaint. Once you get into all that technical stuff, it can end up being very protracted. Was it monitored properly in the past? I think that it could have been monitored

more closely. I have asked my officials to bring forward more proposals on how we ensure that monitoring goes on and how we support schools and boards of governors to ensure that they have all the information and support at hand to deal with these matters as quickly as possible, but the bottom line is that people have rights and entitlements under the law and, when it comes to suspensions, you will find that they quite rightly use them.

Mr Deputy Speaker (Mr Beggs): I ask that all remarks are made through the Chair so that Hansard is able to pick everything up appropriately.

Approved Schools: Enrolment Figures

T3. **Ms Lo** asked the Minister of Education why approved school enrolment figures are not included on the Department's Schools + website. (AQT 3453/11-16)

Mr O'Dowd: I do not know. That is the honest answer. We provide data through the Education Authority and give a school profile on every school. That should provide enrolment numbers at schools, their budget position, the number of children entitled to free school meals etc. That is available through the Education Authority's website.

Ms Lo: I thank the Minister for the confession that he does not know. I ask him to check on that website as soon as possible. Such very important information should be listed on the website.

Mr O'Dowd: I certainly will check for the Member. It may be that we are relying on the school profiles that, as I said, are published for every school on the Education Authority website, but I will follow the matter up.

Mr Deputy Speaker (Mr Beggs): Alastair Ross is not in his place.

NI Students: OECD Report

T4. **Mrs Overend** asked the Minister of Education to comment on the BBC headline news story, "NI students 'among poorest skilled' in developed world countries", which referred to an OECD report, albeit wrongly interpreted. (AQT 3454/11-16)

Mr O'Dowd: The Member has answered her own question in many ways. I believe there

was a printing error or other mishap in relation to the report and the details that were given to the media. The media, quite rightly, reported the information that they were given, but that was wrong, and it did present our students in a very dim light, which was unfortunate and unacceptable. I have already received a letter of apology from the OECD in relation to this matter, but it should never have happened in the first place.

Mrs Overend: I thank the Minister for that. I appreciate that OECD sent the Minister an apology, but the damage may be already done as regards how far this story has gone across the world. It was on the BBC UK website. How far has that gone? What has the Minister done or what does he plan to do to get the message out across the world that Northern Ireland students are highly skilled, because that report really could be damaging to the Northern Ireland economy?

Mr O'Dowd: I am not always a great defender of the media, but as soon as the BBC was made aware of this matter, it published the OECD's retraction on its website. I published a statement welcoming the clarification around the qualifications and abilities of our young people and expressing my severe disappointment with OECD in relation to the publication of the figures.

It did make headlines, thankfully for only a 24-hour period. However, the correction is now in place, and we will be able to allay anyone's fears or investors' fears in relation to that matter. The figures that OECD provided were completely wrong and did a great disservice to our young people. The apology that I received from OECD is not necessarily to me but to our young people and students, who performed so well in their studies. At any opportunity I have, I will certainly ensure that anyone's misconceptions about our education system will be corrected.

Schools: Refurbishment/Capital Rebuild

T5. **Mr Campbell** asked the Minister of Education for an update on the progress being made on major refurbishment and capital rebuild projects in primary and post-primary schools across Northern Ireland and particularly in East Londonderry. (AQT 3455/11-16)

Mr O'Dowd: As I said in previous answers, we have a significant building projects going on in capital and school enhancement programmes. There are a number of programmes in the

Member's constituency. We have Rossmar School, a special school in Limavady. We have Our Lady of Fatima, formerly Craigbrack, Listress and Mullabuoy primary schools in Derry. Those are the two projects that are jumping out at me at the moment. If there are any more, I will certainly inform Mr Campbell in writing.

Mr Campbell: I notice that the Minister was looking down his list with increasing concern that he was not getting any more than the ones that were there. He did not seem to have difficulty in getting capital sums to support capital works in Dungiven for three local children for an Irish language school in East Londonderry, so can the same vigour and concern apply to the maintained and controlled sectors as was applied there, and with much more relevance and poignancy for the numbers of pupils and parents concerned?

Mr O'Dowd: With regard to investment, I could stand here and read out the list of projects that are being built across the North, and the Member will find that there is equality and fair play for everyone. In relation to the Member's constituency, perhaps he would like to inform me which schools he has been lobbying for and which I have turned down. I do not recall the Member lobbying that strongly for any schools in his constituency, and that may be the case.

When we come to a capital announcement, I go to the previous education boards, the CCMS and other managing authorities and ask them to bring forward a list of priority schools under their management. We will then run that through the system and match the schools that come out the other side with our budget at that time. We have made a significant investment in the various schools across the North over the last number of years, and we will continue to do so. Perhaps the Member would like to write to me in relation to the schools he feels have been left behind in his constituency.

Mr Deputy Speaker (Mr Beggs): William Irwin is not in his place.

Wind Turbines: School Estate

T7. **Mr Attwood** asked the Minister of Education, given that an earlier question referred to conversion from oil to gas in greening the school estate, and the fact that a great school in west Belfast, St Mary's Christian Brothers' Grammar School on the Glen Road, has a wind turbine, whether he is aware of any other conversions within the school estate to

wind energy and away from fossil fuels. (AQT 3457/11-16)

Mr O'Dowd: No, not off the top of my head. A number of schools have been very innovative in their energy consumption and preserving energy. Our new-build programme, I have to say, is very energy-conscious and very energy-efficient in ensuring that schools are able to monitor the amount of energy they are using, and that they are even able to reduce energy consumption over that period of time. I do not have, at hand, a list of the schools that have converted to wind energy.

Mr Attwood: That is very understandable. DOE runs a scheme whereby virtually every primary school in Northern Ireland is an eco-school. Given the challenge of climate change and the greening of the public estate generally in Northern Ireland, is it not time that there are interventions to encourage schools to seek planning permission and build wind turbines as part of their contribution to environmental change?

Mr O'Dowd: As you said, the vast majority of our primary schools have the eco flag flying from them. Schools are very active in relation to these matters. If the Member is suggesting that the Department should take it on as a project, it would mean that we would have to let go another project somewhere else. It would also require investment in those matters, which means that we would have to let something go somewhere else. All of these are competing priorities. I believe, at this stage, that the best way forward for our school estate is in relation to investment in its capital upgrade and its building infrastructure upgrade, and we are having quite good success in relation to that.

Little Flower Girls' School

T8. **Mr Humphrey** asked the Minister of Education whether he will commit to meet the parent representatives and board of governors from Little Flower post-primary school in North Belfast, who recently met with him and his colleague Nigel Dodds, in light of the fact that the board of governors is united that the school should be retained, with a petition recently presented to the Assembly, albeit that, sadly, however, CCMS refused to meet the parent representatives and the governors. (AQT 3458/11-16)

Mr O'Dowd: If the Member cares to write to me on the matter, I will certainly take it under consideration. There are proposals around a development proposal for that area. It may not be the case, but, if my memory serves me right,

the consultation for that area may have closed around 19 January. If that is not the case, we can facilitate a meeting if the Member writes to me.

Mr Humphrey: I thank the Minister for that response, and I will certainly endeavour to do that. It is my understanding that the parents of pupils at Little Flower and those of pupils at St Patrick's are keen on the retention of both as single-sex post-primary schools in north Belfast. He should be aware that this is a viewpoint that is widely held across the community in north Belfast and, obviously, in particular, by the parents of the pupils attending both schools.

Mr O'Dowd: I take the Member's comments on board. Changes in the school estate can often result in a keen interest from the community, which is a good thing. I always take on board the views and commentary of local parents and local representatives in regard to that matter.

Mr Deputy Speaker (Mr Beggs): That is the end of our time for topical questions. I ask Members to take their ease for a few minutes.

3.30 pm

Private Members' Business

Assembly and Executive Reform (Assembly Opposition) Bill: Consideration Stage

Debate resumed.

Mr Deputy Speaker (Mr Beggs): We now come to the second group of amendments for debate. With amendment No 30, it will be convenient to debate amendment Nos 31 to 40 and Mr McCartney's opposition to the schedule. Amendment No 32 is mutually exclusive with amendment No 31. Amendment No 33 is consequential to amendment No 32 and mutually exclusive with amendment No 31. Amendment Nos 35, 36 and 37 are mutually exclusive with amendment No 34. I call Mr Alex Attwood to move amendment No 30 and to address the other amendments in the group and the schedule stand part.

Schedule (Content of Assembly and Executive Reform Motion)

Mr Attwood: I beg to move amendment No 30: In page 7, line 7, at end insert

"Petition of Concern Reform

3. The motion may request that upon the tabling of a valid Petition of Concern under section 42 of the Northern Ireland Act 1998, voting be postponed and an Ad-Hoc Committee on conformity with Equality Arrangements, exercising the powers in section 44 of the Northern Ireland Act 1998, be established within the Assembly to scrutinise the effects on human rights and equality of the proposal in question. If this committee should report adverse findings to the Assembly the vote on the matter should require cross community support as defined in section 4(5) of the Northern Ireland Act 1998. However if the committee should report no adverse findings the petition shall be deemed to be invalid and the vote shall proceed on a simple majority basis."

The following amendments stood on the Marshalled List:

No 31: In page 7, leave out paragraphs 3 to 6.— *[Mr Eastwood.]*

No 32: In page 7, line 16, leave out from "and," to end of line 17.— *[Ms P Bradley.]*

No 33: In page 7, line 19, leave out subparagraph (2).— *[Ms P Bradley.]*

No 34: In page 7, leave out paragraphs 7 to 14.— *[Ms P Bradley.]*

No 35: In page 7, line 28, at end insert "(aa) that the Deputy Speakers be elected in a secret ballot under a weighted majority vote,".— *[Mr McCallister.]*

No 36: In page 7, line 28, at end insert "(ab) that at least one of the following must be female—

(i) the Speaker,

(ii) a Deputy Speaker,".— [Mr McCallister.]

No 37: In page 8, line 30, leave out "four" and insert "two".— *[Mr Kennedy.]*

No 38: In page 8, line 31, at end insert

"Legislative timetable

13A.*The motion may request that the Executive Committee be obliged to lay a legislative timetable before the Assembly at least once a year.".— [Mr McCallister.]*

No 39: In page 8, line 33, leave out paragraph 14 and insert

"14. The motion may request that the function of statutory committees becomes to scrutinise Ministers and to advise and assist Ministers in the formulation of policy."— [Mr McCallister.]

No 40: In page 8, leave out paragraph 15.— [Mr Eastwood.]

Mr Attwood: In starting, I should probably advise the House that there are two pieces of good news. First, I do not intend to detain the House very long in debating this group.

A Member: Hear, hear.

Mr Attwood: Thank you for that.

Secondly, in the previous group, there were, I think, 23 separate votes in opposition to each clause; whereas, this time, at least there will be only one vote in opposition to the schedule.

One vote that we will have is on amendment No 30, which relates to the petition of concern reform. All who signed up to the Good Friday Agreement, in whatever way they chose to do so — some of the ways were a bit ambiguous, vague, cryptic or delayed, but we will put all that aside — should sign up to amendment No 30 because it is sourced in the words of the Good Friday Agreement at paragraphs 11, 12 and 13, which are the particulars of the agreement that deal with strand 1 issues.

Mr McCallister: I am grateful to the Member for giving way. I am supportive of and have no issue with his amendment, but he does realise that, even if his amendment is made, his petition of concern would remove it.

Mr Attwood: Yes. Obviously, I am fully aware of that. Therefore, as I will indicate later in my contribution, the SDLP is working with others — hopefully, others in the Chamber; certainly, others in the Building — to produce a new clause 13, which is the procedural device, to bring matters to the Floor of the Chamber. Those matters would then be referred to in a new schedule, and that new schedule will, I have no doubt, anticipate the points that I am about to make on the reform of the petition of concern.

I will go back to the substantive point about the reform of the petition of concern. Those who endorsed the agreement should endorse that proposal because the amendment reflects faithfully that which is in paragraphs 11, 12 and

13 of the Good Friday Agreement. Those deal with strand 1, and paragraph 11 states:

"The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights."

If only we had a Bill of rights. Paragraph 11 continues:

"The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the cross-community consent procedure."

Paragraph 12 states:

"The above special procedure shall be followed when requested by the Executive Committee, or by the relevant Departmental Committee, voting on a cross-community basis."

Paragraph 13 concludes:

"When there is a petition of concern as in 5(d) above, the Assembly shall vote to determine whether the measure may proceed without reference to this special procedure. If this fails to achieve support on a cross-community basis, as in 5(d)(i) above, the special procedure shall be followed."

As is clear, the words of the Good Friday Agreement are replicated in the words of the amendment. I encourage people who are faithful to the Good Friday Agreement to go back to its words and to endorse the amendment.

Since the agreement, a failure and fault line in Assembly processes has been that people have not availed themselves of the procedure or it was not fully legislated for in Standing Orders when it came to the business of the House. Although it is unlikely, for reasons that I will explain, that we could have been in a different place with the use of and reliance on a petition of concern, if, in the early days of the Assembly, people had relied not on a petition of concern per se but on the procedure for establishing a special Committee — an Ad Hoc Committee of the House — to determine whether there are

equality or human rights dimensions for a matter that is subject to a petition of concern.

If we are not to reduce a petition of concern to a mutual veto on anything that moves in the Chamber, it is better to source the use of a petition of concern on equality or human rights matters and to have a process to define those issues, take evidence, interrogate and make a judgement. If that process and procedure had been in place, the widely perceived and, indeed, wider truth of the abuse of a petition of concern may not be the shadow on the Assembly that it has been. There are occasions when you have to deploy a petition of concern, which is why, with so much of the schedule, the SDLP and others have decided to do so. We are trying to reform the petition —

Mr Allister: Will the Member give way?

Mr Attwood: I will in a second. We are trying to reform the petition of concern, and I think that it is the broad view of Members that it should be reformed. In various negotiations and proposals that have emerged from those negotiations, there have been some moderate proposals, including a protocol to encourage best behaviour. This, however, goes further than best behaviour by creating a structure to mainstream best practice on the use of a petition of concern and to have it and issues therein grounded in human rights and equality matters. I will give way.

Mr Allister: To give the amendment as good a wind as I can, I will ignore the fact that the Member is relying so heavily on the Belfast Agreement as his birth parent. Will he explain what timescale he anticipates for this procedure? Take the petition of concern that he tabled today — we are in the dying weeks of this Assembly — would its effect not be to kill off legislation because it would take so long for an Ad Hoc Committee even to reach a view? Would it not slow down the interminably slow processes of the House even further?

Mr Attwood: I will not draw conclusions from the bad practice of so much legislation coming before the House in the last days of this mandate as an argument against a procedure that could apply, subject to the will of the Assembly when appropriate, in every month and year of a mandate.

Yes, there are time pressures now; yes, that is unfortunate; yes, that could see a negative outcome in the form of legislation that comes forward at the end of a mandate. However, a mandate is not two months or four months; it is

four years and could be longer. In all those circumstances, the issue should be whether that is an appropriate mechanism that can be deployed in the life of an Assembly, even if, at the end of the life of the Assembly, it might be a mechanism that could be deployed for negative reasons. I understand the points that have been made, and I welcome the fact that Mr Allister said that he will give it a wind. To be fair to Mr Allister, I think that it was a fair wind. The correct point that he made about the potential negative consequences of using the device at the end of a mandate should not influence people definitively about its use in every other month and year in the life of the Assembly.

The more fundamental point that he might have made is whether legislation could be derailed by interminable delay in relation to this device. That will happen. I am sure that Sinn Féin will also make the point, when it enters the debate, that it could also be derailed by the fact that there are too many examples when matters go to a Committee and it is as clear on the nose on your face what that Committee should be thinking and judging in relation to that matter, only for the weight of numbers to prevail. Whatever the evidence and whatever the equality or human rights consequences, there are examples in Committees in the House when it is very clear what actions should arise, not least in relation to Members of the House, and it ends up that weight of numbers or party position seek to derail what should be the right outcome in favour of the wrong outcome. Unfortunately, even this proposal — this is why I say that Sinn Féin might —

Mr Ross: Will the Member give way?

Mr Attwood: I will in a second. That is why I say Sinn Féin might touch on that. The proposal is vulnerable to being abused by the members of an Ad Hoc Committee, who might take a view that is partial rather than one that is consistent with equality and human rights standards.

Mr Ross: I thank the Member for giving way. It is a bit of an odd debate, given that we will probably remove the whole schedule even if people support his amendment, but he has just highlighted one of the issues with his proposal. If his logical position is that the Assembly cannot be trusted to make those decisions, and therefore it has to be looked at from a human rights perspective, would it not be more sensible or logical for an outside body or individual to be tasked with determining whether the petition of concern should be used? Would a more sensible and radical

approach to the problem of petitions of concern not be to move to weighted majority voting, which his party seems to oppose in other elements of the Bill?

Mr Attwood: We should be very precious and protective of the powers of the House and the rights of Members of the House to determine their affairs. For example, we should have been very precious before one or two parties in the House decided to surrender welfare powers to London. When we have achieved a political and governmental purpose in the powers of the House, after the history of this part of Ireland, we should be very protective and keep our powers. Whether it is about giving powers to the London Parliament or, as the Member suggested, to somebody outside the Building, those decisions, having been given to politicians, should be jealously guarded. In jealously guarding them, we should not then systematically abuse them. Whilst this is not a perfect model, it is a better model to try to create some discipline in law and practice when it comes to petitions of concern.

To go further and to answer the Member's point, the Committee would be an Ad Hoc Committee; it would not be a standing Committee of the House. That would indicate to the House that this is not something to rush to when the opportunity presents itself. It should be relied on when it is appropriate to rely on it and, by keeping it ad hoc, you create the perception and, hopefully, the reality that it is not meant to be something that people should routinely rely on.

To go back to the Member's point, the Committee would take evidence. Who would you take evidence from on the European Convention and equality legislation but the specialists and experts in those matters in Northern Ireland. It might be stretching the point, but you would like to think, on the far side of taking evidence from equality and human rights experts, when the petition of concern has been discredited because of its abuse and overuse, and people are looking to the next mandate to show better authority, then the advice from an Ad Hoc Committee looking at the equality and human rights implications of any particular matter, would be taken, rather than it being, unilaterally and for sectional reasons, ignored and derailed.

Mr McCallister: Will the Member give way?

Mr Attwood: Yes.

Mr McCallister: I know that our colleagues who sit on the Assembly and Executive Review Committee will have heard from the Human Rights Commission with regard to this. I suggest that the Member read what it actually says, and I will be reading it in my contribution to the debate. It is very much about questioning whether our designation system is compliant with the European convention, with it coming to the firm conclusion that it is not.

Mr Attwood: I will read that and listen to it. I heard those arguments about the Patten proposal of 50:50: that, somehow, it would be implicitly discriminatory against one section of the people of Northern Ireland. In those circumstances it was not compatible. Yet the European authorities gave a dispensation that —

Mr Allister: A dispensation?

Mr Attwood: Yes. As far as I recall, it may have taken a dispensation, but it was nonetheless granted. That was because there are particular circumstances in which interventions that might be presented as discriminatory are necessary in order to achieve a general good and wider purpose. Whilst I will hear what the Human Rights Commission has to say, there are examples, even in our own recent history, where that which may be viewed as in conflict with human rights requirements is ultimately seen to be on the right side of those requirements. I hope that Members will hear that.

We can either trundle on with a protocol around a petition of concern, relying on people's good intentions, even when history has demonstrated too many bad intentions, or we can, in addition to a protocol, build into the life of our institutions a structure sourced in the Good Friday Agreement. Whilst it has been, in our view, adjusted and changed in a negative way, the great body of the Good Friday Agreement has stood the test of time in terms of our past and present history — although I know where Mr Allister will come in this. It would be timely to revisit the relevant paragraphs of strand 1 of the Good Friday Agreement in regard to the petition of concern.

I will now touch upon the content of the schedule and the amendments visited upon it. The SDLP is having conversations at the moment as regards trying to redraft a schedule for Further Consideration Stage. Despite the 23 votes, where people tried to vote the Bill down clause by clause, the Bill should primarily have been about opposition. Other matters

have been captured in Mr McCallister's draft of the Bill and in the various clauses, especially the schedule, but the Bill should be, and primarily is, about opposition. The substantial body of clauses 2 to 12 confirms that fact. We are very concerned to protect the clauses that create an opposition because we believe that that is a better model than relying on the non-legislative approach, some of which we will hear about later this afternoon.

We have not petitioned the Bill because we believe that the principle of opposition is a valuable one that is consistent with the standards of power-sharing and the entitlement to d'Hondt, further to a democratic mandate. In any case, in our view, the schedule — this is why we petitioned it — goes beyond issues of opposition and even the issues identified in it. Let me give you an example. Paragraph 1 of the schedule says that any motion coming forward to the Chamber:

"may include, but is not limited to, the provisions set out in this Schedule."

That could end up in a free-for-all, meaning that a motion could come forward on anything that touches on the life of the Assembly and the Executive. We think that better and tighter drafting is to name in the schedule the matters that come forward and only the matters that can come forward. In any matters that come forward, we oppose paragraphs 3 to 6 of the schedule, which replace cross-community support with a weighted majority.

Previously in the Chamber, the SDLP outlined its belief that there is a need for various reforms in areas of institutional life arising from the Good Friday Agreement: a reduction in the number of MLAs; a reduction in the number of Departments; and procedures for the petition of concern or just some expressions of that. There are roads that we should not travel down —

Mr Agnew: Will the Member give way?

Mr Attwood: I will. One of those roads is replacing cross-community support with weighted-majority voting. In this phase of the life of the institutions, even though it is nearly 20 years since the Good Friday Agreement, there is a far, far longer road that should be travelled before we ever get near to thinking about replacing cross-community support. I will give way.

Mr Agnew: In his scope of reforms that he believes are needed to the institutions, does he

agree that the situation whereby the so-called cross-community vote excludes cross-community parties is one of the areas that is very much in need of reform?

Mr Attwood: We are prepared to hear what the Member has to say on that, but, fundamental to the Hume thesis, which drove the political analysis of parties and governments, which is outlined in the opening language and paragraphs of the Good Friday Agreement and which he outlined in 1979 in the American magazine 'Foreign Affairs', was the contention that the conflict in Ireland in its expression at that stage was between two political traditions; those who were unionists, who called themselves British and who valued the link with the Crown and the Union, and those who had a different tradition, who called themselves Irish, who wanted to share in the life of the rest of the island and who were nationalist.

That analysis, which was radical in thinking in politics at that time, became the analysis that, over time, was shared by more parties and by all governments, and it became the template against which to judge political outcomes. That was the assessment. I recognise that people's sense of identity, of being cross-community, or Northern Irish, is changing and evolving, but the political analysis that Hume outlined and that then became the orthodoxy of political progress and that was at the heart of everything he did, eventually became the heart of everything that the two Governments, endorsed by the American Government, did. That analysis remains enduring in our politics and in the life of these institutions. Given how some in the Chamber still try to lord it over the other in justifying what they did in the past, holding to those provisions remains the right course.

Mr Ross: I thank the Member for giving way. I am just a little bit confused when he says that we are not in a place yet where we can move towards weighted majority voting because we need to maintain cross-community voting. How is weighted majority voting not cross-community voting? It depends on the weight that you set to it, but in any utterance that I have heard from any party that proposes weighted majority voting, it will be set at a level that requires — of course it would require, by its very nature — cross-community support, but what it does is to remove a veto from a single party and give it to a community. Surely that is progress, rather than what the Member says, which is about some sort of return to the past?

Mr Attwood: If that is the case, maybe, when he comes back to speak during the conduct of

the debate, he will explain the DUP position on the petition of concern. Maybe he will explain to the House why, if we are in this new order of things where the Member believes that we can begin to adjust these mechanisms, the only issue in the entire Bill tabled by Mr McCallister where the DUP tabled a petition of concern was what? It was to resist the notion that there were joint First Ministers. *[Interruption.]* No, it is important — *[Interruption.]* It is important.

Mr Deputy Speaker (Mr Beggs): Order. Order. Can all remarks be directed through the Chair?

Mr Attwood: The Member makes an argument about weighted majority voting and that that is a model of cross-community and that we are in a moment in our history where these matters can now be interrogated and changed. Why then is it that, when it came to the interrogation of the clause on the joint First Ministers, the Member did not just vote it down but actually tabled a petition of concern about it? There is an inconsistency there. We know why, of course, the Member's party voted against joint First Ministers. It was because it would remove from the DUP, as it would remove from Sinn Féin, an issue to beat their chests on when they come to the doors in the election: "Make us the biggest, because we will then be First Minister." Well, you cannot be the biggest if you are joint First Ministers, which is, in fact, the case. So the Member, on the one hand, says let us go down these roads, because it will demonstrate evolution of our politics and maturity in the House, yet he is not prepared to put into law that which is, in fact, the case, and which should be self-evident to everybody: that there are joint First Ministers, and that this argument about who is the First Minister is actually a false one that is perpetuated for narrow political and electoral reasons. That is another reason why discretion on some of these issues, rather than a headlong rush, is the right course.

Mr Ross: I thank the Member for giving way. I am more than happy to go on to that issue when I make my own contribution, but it was this very simple question that I posed to the Member: how is weighted majority voting not, by its very definition, requiring cross-community support in the Chamber?

Mr Attwood: I am not saying that it is not. I am just saying that we are not in a situation where the institutions and the conviction in relation to the conduct of parties in this Chamber is such to move in that direction.

Mr Allister: Will the Member give way?

Mr Attwood: I will in a second. On the role of the Speaker, there are issues that deserve interrogation: the issue of how he or she is elected; the issue of why people needed the protection of being Principal Deputy Speaker, rather than being an ordinary Deputy Speaker; the issue of the Speaker's independence; the issue of whether the Speaker should contest subsequent Assembly elections. There are issues about it. We oppose the proposal for a weighted majority in that regard as well. The issues about the Speaker, save for the narrow deals done by the DUP and Sinn Féin, have curiously not been the subject of much discussion in the political negotiations that have been held over the last number of years. We would welcome a conversation on the issue of the Speaker, to see that role, the election of the Speaker and ancillary matters to all that be further investigated.

Sorry, I will give way to the Member.

Mr Allister: I want to take the Member back to when he was displaying his blind allegiance to all things Belfast Agreement and telling us about the immutability of Mr Hume's vision and, of course, the manifestations of that in the Belfast Agreement.

4.00 pm

He may be one who, from time to time, will rebuke some others for living in the past, but is that not exactly what he is doing? Would he not be better and more progressively occupied if he were to take the advice of a successor of Mr Hume's and set about dismantling some of the "ugly scaffolding" of the Belfast Agreement, which, today, he is clinging to and trying to keep in place? Would not qualified majority be an excellent move in beginning to diminish and remove some of the ugly scaffolding of the Belfast Agreement that is not working?

Mr Attwood: I welcome the fact that the Member referred to the immutability of the Hume vision.

Mr Allister: Your vision. Your immutability.

Mr Attwood: No. Those were the words that the Member used. I very much welcome them. It seems to be the first expression of that conviction from the Member.

Mr Allister: I was speaking of you, not me.

Mr Attwood: In any case, I very much agree with the principle, even if he does not, about the immutability of the Hume vision, because, after years in which the conflict was defined by interference in Irish affairs and resistance to the democratic will of the people of Ireland, the nature of the conflict was redefined.

Thousands of people died or were injured, and all our people lost immense opportunity in the period when the small number resisted the immutability of the Hume vision, because, having established his thinking in the run-up to 1979 and thereafter, it was nearly 20 years before those who endorsed the Good Friday Agreement endorsed that vision in the opening words of paragraph 1 of the Good Friday Agreement. Therefore, I certainly welcome that.

As to the Member's reference to "ugly scaffolding", I note that a Member from Sinn Féin used the exact same words during a debate on Assembly reform two weeks ago. Whatever about the nature of the words, we have been looking at the architecture of the Good Friday Agreement. That is why we have endorsed various interventions that rework that, but in a sensible and moderate way, not in a way that could have fundamental consequences for the character of power-sharing, d'Hondt entitlements, and so on.

I made the point about the renaming of the positions of First Minister and deputy First Minister. We note what the schedule states about collective responsibility, but it is not defined. Those are very important principles and concepts. Therefore, in the absence of further detail in that regard, we are cautious about signing up to words that might have all sorts of consequences when they are not defined in the legislation.

We note, for example, what Mr McCallister says about the Programme for Government. That will be an acute matter, because, in 'A Fresh Start', the DUP and Sinn Féin say that parties have to commit to an Executive in advance of a final Programme for Government being agreed, after which — when it is agreed — d'Hondt will run, the First Minister and the deputy First Minister will be nominated, and other parties inclined to go into government will take their choices.

I need to be careful what I say here, because it could be slightly unparliamentary. That is coach before horses, or words to that effect, when it comes to the Programme for Government. You have to commit to entering a Government before you conclude negotiations on what the Programme for Government will

mean. That is what the Fresh Start Agreement says: you have to take this great leap into the unknown about a Programme for Government as a basis of being permitted to enter the Executive.

Is there any parliamentary institution, certainly on these islands, that says, "You have to commit without knowing what you are committing to"? That is what Fresh Start says. Those who are most loyal to Fresh Start — we have heard from them during the debate — really have to explain themselves. If you had had to commit yourself to the outcome of the St Andrews, Hillsborough or Good Friday negotiations before discussions about the detail could be concluded, people would have said that it was not a very democratic or inclusive way to proceed. Yet, here we are, 18 years after the new political order was established, and we are being told — this is not the proposal from Mr McCallister — that you commit in advance, take what you are given, and then you choose what Ministry you might be entitled to under d'Hondt. It is a very strange version of democracy but, sure, we have seen some very strange versions of democracy over the last period.

As with the other arguments, we are resistant to the fundamental surgery that would arise from the schedules in respect of the threshold for nomination to Minister, the simple majority for Budget approval and other matters. I will reply to the debate, so I will listen attentively to all that people have to say.

Mr Deputy Speaker (Mr Beggs): I call Paula Bradley, who will be contributing on behalf of the Assembly and Executive Review Committee.

Ms P Bradley: Of the amendments in the second group, the Committee considered only the four amendments tabled by the Bill sponsor. Amendment Nos 35 and 36 concern the election of the Speaker. The Committee acknowledged the importance of independence and impartiality in the role of the Speaker but queried whether legislation was required to further enshrine the existing conventions. The Committee also had concerns about the election of the Speaker by secret ballot. The Committee noted the point raised by some academics that the existing system provides the Speaker with some kind of cross-community legitimacy in carrying out that role. Although the Committee discussed the matter at length during its deliberations, it did not reach a definitive Committee position with regard to the election of the Speaker.

The Committee also considered the provision in the schedule that the Executive set out a Programme for Government at the outset. The Committee noted the concerns raised by stakeholders about the possibility of gridlock should the Executive fail to agree a Programme for Government and Budget outlines within the specified period. The Committee noted the response of the sponsor that the four-week period allowed in the Bill is more generous than the two-week period provided under 'A Fresh Start'. The Committee also noted the sponsor's amendment that the Executive Committee be obliged to lay a legislative timetable before the Assembly at least once a year. The Committee divided on this amendment and agreed by vote that it was not content for it to be made.

With respect to the role of Statutory Committees of the Assembly, members considered the response provided by a number of Statutory Committees. In particular, members considered the response and amendment proposed by the Committee for Enterprise, Trade and Investment. The Enterprise, Trade and Investment Committee considered that, although there is a role for Statutory Committees to scrutinise Ministers, they should retain their ability to assist and advise Ministers to ensure that they continue to have a broad remit. The Assembly and Executive Review Committee noted that the Bill sponsor supported this view and agreed to bring forward an amendment. The Committee divided on this amendment and agreed by vote that it was not content for it to be made.

The Committee divided and agreed by vote that it was not content with amendment Nos 35, 36, 38 and 39. The remainder of the amendments to the schedule have been tabled since the close of Committee Stage and, therefore, the Committee has no view on them. With respect to opposition to the schedule, the Committee divided on all 15 paragraphs of the schedule and agreed by vote that it was not content with them as drafted.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. In the debate on the first group of amendments, Cairtriona Ruane and I laid out on behalf Sinn Féin our belief that the Fresh Start Agreement says that there is no requirement for legislation to create an opposition. We are very much of that view, and that has informed our position on the schedule. Some aspects of the schedule cannot be carried out by the Assembly, but other aspects of it should and could be. That is our broad position.

We broadly support what Alex Attwood said on behalf of the SDLP in relation to paragraphs 3, 4 and 5 of the schedule. The SDLP had an amendment down to stand part, and we would have supported that. There is now a petition of concern around the whole schedule, and we are comfortable with that idea as well.

Mr Attwood spoke about amendment No 30. The Fresh Start Agreement laid down the provision that there should be an examination of the petition of concern. That is something that we could all contribute to. I think that all of us know and accept that the petition of concern, a concept that was designed all those years ago, has been brought to the Floor in ways that are not what it was designed for or how it was laid out initially. Mr Attwood said that he foresaw some of the reservations that we would have with the amendment. In many ways, he is right that the commentary can be found in the Good Friday Agreement, but the last sentence of his amendment states:

"However if the committee should report no adverse findings the petition shall be deemed to be invalid and the vote shall proceed on a simple majority basis."

Even if the schedule had not been petitioned, we would not have been in support of the amendment on those grounds. He said that the petition of concern was vulnerable and had been abused. In the past, there have been Ad Hoc Committees that have heard expert witnesses, but, as he said, political priority or party political interests lead people to vote in a particular way. Whereas the intention of this may be good and one could say that it is well intentioned, in our opinion it is premature. We believe that the record of voting would show that, if a majority had one political position, even though the report might give rise to the petition being valid and the vote proceeding with cross-community support, party political lines would dictate otherwise. We do not believe that that is the way to go. We think that that is a lessening of the principles of the Good Friday Agreement in protecting minorities. Therefore, we will not support the amendment. We are satisfied that the SDLP has joined us in supporting a petition of concern to ensure that paragraphs 3, 4 and 5 of the schedule, in particular, fall.

I want to stress a point that I made on the first group of amendments. No one doubts the intention of John McCallister on the need or, indeed, the demand for an opposition. I see commentary this morning that the Ulster Unionists and the SDLP have already entered into some sort of negotiation around how they

can take this forward. In fairness, the SDLP has denied that anything took place, but we will maybe work that out for ourselves as we proceed. The need and demand for an opposition is there. There will be a discussion later this afternoon about how the Assembly can lay provision. People genuinely feel that there is a need for an opposition, but Standing Orders, the convention that we spoke about in the first group of amendments and much of the evidence that we heard at the AER Committee lead me to believe that, despite the feeling that is projected by some that all other parliamentary systems have opposition locked down in legislation and every aspect of it is there in statute, the opposite is the case. Most models of opposition come about through convention and political maturity or political growth. I agree with Alex Attwood's contention that we are just not there yet on some aspects of this. However, we certainly support the idea of the need for an opposition, and we will fulfil the terms laid out in the Fresh Start Agreement.

4.15 pm

Mr Kennedy: I think I am grateful for the opportunity to contribute to the debate, even though I have a sense that much of the discussion has already been predetermined by petitions of concern and their impact on the private Member's Bill tabled by Mr McCallister. Of course, many parts of the schedule are aspirational, but they are too much too soon for many. However, we should aspire to evolve as a society and as a democratic institution. There are many parts of the schedule that will, at least, spark constructive debate for the future.

I will touch on a number of the amendments, but the debate seems futile given that a petition of concern has been lodged against the schedule. It is extremely disappointing and frustrating that four petitions of concern have been lodged, especially that against clause 13, which would have seen a request made for the opposition to be legislated for. The Ulster Unionist Party believes that this is extremely important in safeguarding the future of any opposition structures or status in the Assembly. Therefore, the Ulster Unionist Party has decided to abstain on votes on clauses that have petitions against them — we did that earlier today — given the futility of those votes.

I come to that petition of concern and the non-debate around amendment No 30. The SDLP is seeking support for an amendment that it, in turn, scuppered because of the use of the petition of concern. I hope that people at home are following this closely; it is jolly interesting. We recognise the need for reform of the petition

of concern to avoid it being used as a one-party veto. Some of the uses of the petition that we have seen could not be further away from the original intention. It is a shame that some in the House have not been able to show restraint during this term. However, we are not convinced that the amendment provides the solution. I listened closely to Mr Attwood. We welcome what was a constructive contribution from the SDLP. I do not think that anyone would deny that that party is anything but passionate about preventing the misuse of the petition. However, we are concerned that an Ad Hoc Committee populated by the party or parties causing the blockage through the petition would not do anything to resolve matters. We are also concerned about the lack of a time frame for that Committee to come up with a resolution of these matters. We will look at any new schedule indicated by Mr Attwood at Further Consideration Stage.

In terms of community designation and amendment No 31, it is largely aspirational. It is a place that we hope society can get to. It is desirable that, one day, we will be in a place where community designation is not required, but we do not believe that we are there yet. We should remember that it was a long, hard journey to arrive at what we did in 1998. We should always strive to see the institutions maturing and changing positively, but we have to be realistic: we cannot run before we can walk. Official opposition will be something significant that the Assembly in the new mandate will need to adapt to. That, again, will provide its own challenges. As with other parts of what is currently proposed in the schedule, we recognise that this is where we would like to move to, but, in the context of Northern Ireland, we must always be mindful of ensuring maximum public confidence in the institutions.

On amendment No 34 and the position of the Speaker, we were not convinced by the proposals for re-election, particularly the fact that someone running for election would never represent the people who elected them. Equally, we were not convinced by the proposal that the Speaker not be allowed to stand at the Assembly election subsequent to their taking up post.

The proposal that relates to the First Minister and deputy First Minister does not get to the root of the problem. A name change, without something to differentiate between the two roles, could serve just to make things even more dysfunctional. Given the already dysfunctional nature of the office, that move could bring about further stalemate. A return to the original method of joint election, which

comes from the 1998 Act, will be the only way to curtail the political jostling that goes on.

In terms of amendment No 37, if the requirement to establish a Programme for Government is to remain part of the schedule, we want the time frame brought down to two weeks, as outlined in the past two agreements that came out of Stormont House. A two-week deadline as opposed to a four-week one would help to concentrate minds. We have long cited agreement on a Programme for Government before the running of d'Hondt as a game changer. That would allow a blueprint to be drawn up for the mandate before Ministries are taken up and the famous silo mentality settles in.

The legislative timetable seems pragmatic, and it should be common practice. We have seen the huge build-up of legislation over the mandate and the amount going through via accelerated passage this year — there is a bit of a rush to the gate as we approach May. Laying a legislative timetable would allow for a more normal passage of legislation, maximising, therefore, the time for scrutiny.

The idea of a simple majority for Budget approval, as referred to in amendment No 40, has, in the Northern Ireland context, the potential to undermine confidence. It is an aspiration to one day be in a position where a Budget could be passed by a simple majority, but I do not think that anyone thinks that we are at that stage yet. A Budget passed on a cross-community basis is still required.

Overall, we await and will assess the outcome of the decisions made today, the decisions made in the aftermath of last week's debate and the votes on the amendments that will be put to the House tonight. The statement later today by the First Minister and deputy First Minister will have a considerable impact on the prospects of this private Member's Bill becoming meaningful legislation.

We will, therefore, look at the issues again at Further Consideration Stage, but I have a suspicion that, ultimately, the two big parties in the Executive will do what they want to do and what they think is the way forward, particularly for them.

Mr Lunn: As others have said, there is an element of shadow boxing and, as Mr Kennedy said, futility about the proceedings this afternoon. Like him and others, we will probably have to wait until the next stage to see what emerges from all this. That sounds suspiciously like what I said last week, but that

is the way it is. I will run through the amendments briefly as if we were going to vote on them and that the votes would matter.

Amendment No 30 from the SDLP relates to petitions of concern. We have the same concerns, if I can put it that way, about petitions of concern, as will the other smaller parties. The amendment means that you would have to set up an Ad Hoc Committee every time a petition of concern was lodged. In this mandate, which is about to finish, we are approaching 150 petitions of concern. The Ad Hoc Committee, as, I think, Mr Kennedy hinted at, would have to reflect the balance of the parties in the Assembly. How would that take us forward? It could be that such a Committee would occasionally decide that a petition of concern was frivolous and did not need to be proceeded with, but, frankly, I have my doubts.

At the time of the welfare reform considerations, an Ad Hoc Committee was set up for the House, which I had the privilege to chair. We went across to London to talk to the Westminster version, which is a Standing Committee. It is not a standing ad hoc committee, as I am inclined to say, but a Standing Committee on human rights and equality issues. It scrutinises everything that goes through. If we are to have a Committee to scrutinise each petition of concern, something like a more permanent Standing Committee might be the answer.

Amendment No 31 relates to cross-community votes versus qualified majority votes. We are long-standing opponents of anything to do with petitions of concern, although I must admit that I recently spoiled my record by signing one. Hopefully, that will never happen again. We certainly favour majority weighted voting, if such a thing could be achieved.

Amendment No 32 is a requirement that a petition of concern be signed by people from three or more parties. Given that we do not want them in the first place, I will not comment on that.

Amendment No 33 relates to the requirement that independents are counted as separate parties. We have some sympathy with that idea. It would bring the residents of the so-called naughty corner more into play, perhaps, but, as I said, we will have to wait and see what emerges from all this by way of the SDLP's revised schedule, when it appears.

Amendment No 34 is wide-ranging, deleting everything from paragraphs 7 to 14 of the schedule. The motion may request:

"that the Speaker be elected in a secret ballot under a weighted majority vote,".

We support that — absolutely. It may also request that:

"the Speaker ceases to be a member of all political parties".

The Speaker is supposed to be above politics, so there would be no harm in that, and it would probably be a good thing. The motion may also request that:

"the Speaker ceases to be the elected representative for the constituency for which the Speaker was returned,".

This is revolutionary stuff, but it sounds like good sense, as does paragraph 7(d), which states that the nominating officer for the party which he no longer belongs to could nominate somebody else in his place. That has not been brought up before, but it sounds worthy of consideration. Paragraph 7(e) states that the motion may request:

"that the Speaker not be subject to the direction or control of any political party or any person in the Assembly,".

I am sure that that would flow naturally from the other conditions that I mentioned. Paragraph 7(f) states that the motion may request:

"that the Speaker is not eligible to stand for election in the next Assembly elections subsequent to becoming Speaker,".

I disagree completely. You would probably end up with a succession of Speakers who were in their last term in the Assembly. In other words, it is very likely that you would never get a young Speaker.

Mr Allister: You would be in with a chance. *[Laughter.]*

Mr Lunn: No. Paragraph 7(g) means that the Speaker is invited back to the beginning of the new Assembly, perhaps to conduct the business of electing a new Speaker or to be elected Speaker again. I am not sure about that.

Right now, frankly, it does not really matter much, does it? When we get to the last vote, are we going to torpedo all these things?

(Mr Speaker in the Chair)

4.30 pm

"The motion may request that the First Minister and deputy First Minister are renamed as the First Ministers."

Well, they are First Ministers; everybody knows that. Why do we continue to make something out of that? They are joint First Ministers. If they are annoyed by the titles of First Minister and deputy First Minister, perhaps we can do something about it.

"The motion may request that the Ministerial Code ... includes provision that Ministers uphold the principle of collective responsibility."

That would be a revolution, would it not? That is a given, but, if we have to ask Westminster to enshrine it in legislation for us, that is no bad thing.

"The motion may request that a political party must have a minimum of 16.6% of the total number of members of the Assembly before that party is eligible to nominate a person to hold Ministerial office".

That is far too high, clearly. The principle that we run the d'Hondt system right through for Ministers, Chairs and Deputy Chairs, all in one operation, seems perfectly sound to me. I think that Mr Kennedy's party has suggested reducing the period from four weeks to two weeks to give political parties time to establish a Programme for Government and Budget outlines. Two weeks is possibly long enough. Four weeks is perhaps comfortable. Maybe we will come back with an amendment for three weeks. It is a valid idea. As to whether it is two weeks or four weeks, the jury is out.

"The motion may request that the function of statutory committees ceases to be to advise and assist Ministers in the formulation of policy and instead becomes to scrutinise".

Frankly, I do wonder what is the difference. I think that we are playing with words a wee bit here. The word "criticise" is not mentioned there, but that is actually what Committees frequently do. We will see what new suggestion is brought forward.

As regards the simple majority for Budget approval, we wonder why one of the major decisions that the Assembly has to make every

year should suddenly become the subject of a simple majority vote when so many other — perhaps even less important — matters would ideally be the subject of a weighted majority vote. Frankly, we would not go with that at all.

As I have said, there really is an element of shadow-boxing in all this, given that the very last item on the list is the opposition to the schedule, which has been brought forward by Sinn Féin with the help of a petition of concern. That kind of negates everything that we are saying. We will go through the process and take the votes. Something will emerge from the wreckage, and we will come back and consider it next time it is due.

Mr Ross: I will use this opportunity to apologise to you, Mr Speaker, for missing my topical question today. I meant no disrespect to the House or the Speaker. It was an unfortunate oversight on my behalf. I will endeavour not to do it again.

It is an interesting debate. Other Members — every Member, I think — have acknowledged that it is a bit of an odd debate given that opposition to the whole schedule has been tabled and a petition of concern is there. Nevertheless, some interesting areas have been put forward by Mr McCallister. Interesting debate took place in the Committee around some of them as well. It is worthwhile having debate or discussion on them even though they are doomed to failure.

On the first amendment in the group, amendment No 30, Mr Attwood took some time to outline the rationale behind the proposal. In fairness to him, at least he acknowledged that he is also trying to petition-of-concern it and that, even if the House supported it, he would seek to remove it from the schedule. That was strange, but at least he was upfront about it in his initial comments. I think that it is fair to say that everybody acknowledges that the petition of concern is not perfect. I think that, at one time or another, everybody has misused or abused the petition of concern. Nobody's hands are clean. Indeed, even Mr Lunn acknowledged the fact that he has signed a petition of concern. He seemed quite ashamed by the fact and endeavoured not to do it again. It is an issue. Sometimes, it has a legitimate use; at other times, Members will question the legitimacy of it. When petitions are tabled, I often hear people say, "That is not in the spirit of the intention behind it" and all that sort of stuff. The fact is that it is there in legal language in the Northern Ireland Act and you cannot have a spirit behind a legal text that is in that Act. If it is there, parties will use it. I think

that the Fresh Start Agreement has tried to make parties think a little bit more about whether we can get to a position where it is used less often by having take-note debates or something like that. That is a positive.

Mr Allister: Will the Member give way?

Mr Ross: Yes.

Mr Allister: He refers to what A Fresh Start says about the petition of concern. The proponents of A Fresh Start hold it up as the way forward on the subject. It now requires grounds to be given in support of a petition, yet the Member and his party and the other chief proponent of A Fresh Start, Sinn Féin, have tabled petitions on this Bill that do none of those things. They do not even live up to the putative expectations of A Fresh Start. Is there even any bona fides with what lies behind the contention that things will change under A Fresh Start when the practice post-Fresh Start is that nothing has changed?

Mr Ross: The Member will know that the protocol in A Fresh Start is a voluntary one agreed by all the parties. It is about how we can move forward in our debates in the Chamber and about moving away from private Members' motions where the use of petitions of concern is most problematic, because there is no legal authority behind those motions, and towards take-note debates. With legislation that will actually be implemented, the use of petitions of concern is slightly different and there is more rationale behind their use. That is how we have used it today — I will go on to explain that — and I think that it can be appropriate. Many of those who are most critical of the petition of concern and its use are those who cherish it most closely. I picked that up from Mr Attwood's contribution earlier. Indeed, Mr Attwood talks about human rights abuses and how it is used to protect against those, but it is very questionable whether his party's use of the petition of concern against the Welfare Reform Bill was valid, in his language, in the spirit of the POC.

I do not want to spend too long on this because I realise that we have quite a bit on the agenda today. Mr Attwood acknowledged some of the issues with his amendment. Mr Allister made the point about slowing up the process. If you table it, you have to create an Ad Hoc Committee, and that might take another week to get through the Business Committee. You then elect your Ad Hoc Committee and it will meet and appoint a Chairperson. Mr Attwood said that the Ad Hoc Committee would then

take evidence. That takes time as well, because you would take another week before you invite interested bodies to come. It might take another couple of weeks before you get through all the evidence. So, you are adding an awful lot of delay to the process. That is one of the issues with creating another layer of bureaucracy around the use of the petition of concern.

Mr Lunn made the point about the reflection of community strength on an Ad Hoc Committee, as, invariably, you would have a unionist majority on it. I am not sure that that is what the SDLP would necessarily want, because a unionist majority could vote down any use of the petition of concern by nationalists. That seems to go against the argument that Mr Attwood made on protecting the community. I am not sure that it is a particularly logical thing to do. I am not advocating that we give power to someone outside the Assembly to make decisions that we should be taking ourselves; I was simply trying to make the point that it seems more logical to me that, if an individual outside the Assembly were to determine whether or not it was a legitimate use of the petition of concern, it may make it more practical in its outworking than it would be to have Assembly Members, with their party strength, making the decision on that Ad Hoc Committee.

I will move to amendment No 31. I made the point to Mr Attwood that I believe that we need to get towards weighted majority voting as a stepping stone towards normality rather than as a backward step, as he seems to see it. I made the point to him that it is getting away from a party veto towards a community veto that is a cross-community vote and which gives the protections for both communities and normalises politics somewhat as well. Weighted majority voting is where we need to get to in the future. As a party, we have held that position for quite some time.

Amendment Nos 32 and 33 are from our party, and Mr Lunn referred to them. It is the idea that parties are somehow more important than individuals. I think that individual Members are just as important as parties, also in reflecting that people from smaller parties do not have more authority or should have more say than those from larger parties. If you have the requisite number of signatures, it does not matter how many parties are represented on that.

Amendment No 34 is, again, on the issue of the Speaker. That is one of the areas that I think provoked most debate within the Committee,

and there were some very interesting and radical proposals from Mr McCallister on it. There are difficulties, and I do not think that we all bought in to what he was proposing in this part of the Bill.

On the idea that you would cease to be a member of a political party, I do not think anybody has accused the current Speaker — I recognise who is in the Chair at the moment — of being party political in their role in the Chair, and I do not think anybody accused the former Speaker of the House of being party political when he was in the Chair either, so it is not an issue that I heard has caused concern amongst anybody. I certainly think that the public perception of the Chair is that they are independent whilst fulfilling their function. I do not think it is necessary that you would be required to cease to be a member of a political party. That does not happen elsewhere, as far as I understand. If a Chair was to be party political in that post, there are ways in which the House would vote to remove that individual. There are safeguards there, and I just do not think it is necessary to do that.

As for the idea that you would then replace a Speaker with another Member, the thrust of debates in the House in the last number of weeks has been how we reduce the number of Members. What we would be doing is creating an additional Assembly Member. The point that I made to Mr McCallister in the Committee and that I still hold is that one of the strengths of having a Speaker is that they are from the Back Benches of that Chamber. They are there to represent Back-Benchers in making sure that they hold the Executive to account. Therefore, I think it is important that the Speaker is from the elected body. I do not think we need to —

Mr Lunn: Will the Member give way?

Mr Ross: Yes.

Mr Lunn: On the point about whether the Speaker should be replaced by another member of what was his party, would you not agree that that could help parties to make their decision on whether to allow a Member to become Speaker, given that it would preserve the balance of the parties as they were? The Speaker is supposed to be above politics anyway, as they always are, of course.

Mr Ross: Where voting is concerned, that may well be the case, and it may put off smaller parties from putting forward names. It was an issue that particularly exercised the Alliance Party because in previous terms there always

had to be an Alliance Member to try to get the support of the House. Obviously, with a smaller party, that impacts on its numbers. But I do not think it is a real concern amongst the body of the Assembly. Again, it does not seem to be a real problem; therefore, I do not think we need to try to find some sort of phoney fix to it.

I will make this point again, and this is the strongest point: it is important that the Speaker is from the body that has been elected and is there as a representative of that Assembly. That is the same as elsewhere.

Mr Lunn made the point about having to resign after your term of office. Again, I do not think it is necessary to put that into legislation, because convention dictates that a Speaker will move on. I doubt that the current Speaker will want to take up a position in the House of Lords, but convention is that it may well be offered. That may be a huge step forward and very progressive, but I do not think it is a problem because convention means that Members do not run again as party representatives. It would be difficult for them in some circumstances to go back to the Back Benches and reintegrate into their parties, so I do not see it as a specific problem.

Mr Lunn made the point that no young Members would be Speaker again. Convention would dictate that a Speaker tends to have the respect of the House; therefore, you will have been there a little bit longer. Perhaps if you are a younger Member put forward by your party, they are looking to shuffle you out, so you would be cautious about that, but again, I do not think that these issues are real concerns that need to be legislated for.

There is an idea about renaming the First Minister and deputy First Minister to joint First Ministers. We have opposed that. People make the argument that they have the same legal powers. Of course, we know the requirement of cooperation between the two offices — everybody knows that — but to say that there is absolutely no difference is wrong.

The larger party being reflected as First Minister and the second largest party as deputy First Minister is a difference. People may not recognise that difference in here, but internationally when there are protocols and when meeting international guests and chairing meetings, there is a difference between the First Minister and the deputy First Minister. Of course, Mr Attwood criticised the Democratic Unionist Party for holding that position, but it is he who has put a veto down on making that change, because he has petition-of-concerned

the schedule, which refers to changing the names. He argues for changing the names, but he has put a petition down to make sure that that does not happen.

4.45 pm

Mr McCarthy: I thank the Member for giving way. I will give this example to indicate that there is very little difference between the First Minister and deputy First Minister. While I was the chair of the sports development committee in Ards, I invited Peter Robinson as First Minister to come to our sports awards evening. We had to wait some time, and, finally, we got a letter back to say that, unfortunately, he could not attend. The letter had to be signed by Peter and Martin. There we are. A simple act of responding to a request for the First Minister to grace Newtownards with his presence could not be done without the signature of the deputy First Minister.

Mr Ross: I am quite sure that it was their loss that they were not able to go to that event. There is a difference between the First Minister and the deputy First Minister. Perhaps the Member meant their legal authority.

Mr Allister: Will the Member give way?

Mr Ross: I will give way.

Mr Allister: Is the Member trying to obscure the legal reality that it is a single office incapable of its functions being exercised unless it is done mutually by both of them together? The First Minister or the deputy First Minister do not have a single free-standing function or power. They only have power within the single office when they exercise it together. Why is he trying to muddy the waters and pretend that it is otherwise?

Mr Ross: I am not trying to pretend anything. I think that there is an importance and a distinction between the two posts in the wider community. I think that there is a distinction in the wider international community as well, and I think that the larger party should be recognised as having the First Minister over the deputy First Minister. I just think that that is something that most people will appreciate.

Paragraph 9 of the schedule talks about collective responsibility, and Mr Lunn said that it should be a given that of course we should have collective responsibility. There was an element of this that took place in the debate last week around Mr McCallister's notion that we should have a single legal identity of the

Executive. The difficulty, of course, with that is that our mandatory coalition form of government here is not like other Governments that are formed elsewhere, where the First Minister or Prime Minister has the ability to hire and fire members of their Cabinet or is able to speak on behalf of their Cabinet colleagues. That does not happen here, so there is a difficulty there. Of course, you will have collective responsibility around the Programme for Government, but other issues will come up where everybody will not be on exactly the same page. Therefore, if Ministers step out of line, I think that it is important that Ministers have the ability to sort that out by taking legal action in the courts against them if they have failed to live up to their responsibilities and their functions. That may move away from his notion of collective responsibility, but I think that it is the real world in which we live and, therefore, it has to be borne in mind as well.

Mr Agnew: I thank the Member for giving way. I hear his point, but, obviously, we have coalitions continually in the Republic of Ireland, and we have recently had a coalition in the UK. Surely, it has been a failure of our governance that we do not have collective responsibility, not a necessary consequence of it.

Mr Ross: Nobody is arguing against the point that we want to have collective responsibility. I am simply highlighting the reality that, in the situation that we have in Northern Ireland, from time to time, we will have fundamental differences between Ministers from different parties. Therefore, enacting collective responsibility as a single legal identity, as Mr McCallister was trying to do in another part of the Bill and this is reflective of that, is not something that, I think, is possible or would be advisable. I think that it is important that, if Ministers do take a decision that they should not have taken and have not brought it to the Executive, Ministers should be able to challenge that decision in the courts, as we have seen with successful challenges in the courts in the past when Ministers have failed to live up to their functions.

I think that Mr Lunn was the only Member who mentioned running the appointment of Chairs and Deputy Chairs as a single process. If you decide not to take up your Executive posts, you should not benefit from getting additional Committee Chairs. Again, Committee Chairs in most other jurisdictions are reflective of the strengths of parties in the election that preceded the appointment. I think that that is something that we should not be moving away from either.

There are a number of other amendments. Mr McCallister tabled amendments around the election of the Speaker. I do not think that there is a real issue with the current system, and we do not need to change it. The Speaker should be there on merit. The idea that one of the Speaker or deputy Speakers should be female is, I think, moving away from that merit principle. We have, of course, had a female Speaker here in the past. As a member of a party that has a female leader and a female First Minister who is there because she is the most capable person to lead the party and the most capable person to be First Minister, I do not think that we need any lectures from anyone on having quotas.

I think that we would always fiercely resist the idea of putting in quotas anywhere, because quotas show disrespect to females who are capable of fulfilling a function, whether that be as First Minister or as Speaker. I am sure that we will have a female Speaker again, and we will not need to legislate for it.

I am not particularly hostile to Mr Kennedy's amendment. At present, I think that the law dictates that the Assembly has to meet one week after the election. The Assembly then has two weeks to appoint its First Minister and deputy First Minister, so maybe three weeks would be more appropriate. Where there is an issue is not so much around getting a Programme for Government as getting a Budget through in that time. I do not think that that is possible, because the Budget tends to come in the autumn. That may be one area in which it would not be practically possible, but I understand the point that Mr Kennedy is trying to make.

I have no issue with amendment No 38, which is on the legislative timetable. It is actually a positive step. Mr Kennedy made the point that it would be useful to try to timetable how we get legislation through the House. We have seen Bills introduced very late in the mandate; indeed, this is the fifth year of what should have been a four-year mandate. When Ministers present something in the fifth year, you ask whether it was ever their intention to introduce it. Therefore, our own version of the Queen's Speech may be a useful thing to add annually. That would allow Members an opportunity to debate what they see as their priorities for the year ahead, and I think that there is great value in that.

Amendment No 39 corrects the way in which the Bill was drafted to ensure that Committees are there not just to scrutinise but to assist their Minister. It is an important amendment, and I

know that the ETI Committee made that point. Much of the work that we have done in the Justice Committee with our innovation seminars has shown our initiative in policy development. If we were restricted in doing that, the Department would be in a worse position. We have been able to look at policy areas and make proposals to the Department, some of which have been utterly ignored, but that is not to say that we do not find value in trying to push our own agenda. Of course, in the past, many Committees initiated inquiries of interest in a particular policy area, and I would not want to see anything preclude them from doing that.

Of course, as other Members said, much of this is largely academic, given that there has been a petition of concern tabled, but I at least recognise that Mr McCallister has given us plenty of interesting areas to debate. It is unfortunate, not least for Mr McCallister, that much of it is doomed as a result of the petition of concern, particularly given the work that he has put into the Bill.

Mr Agnew: When we debated the first group of amendments, I focused very much on the need for good governance. It is fair to say that the petition of concern mechanism has been a stumbling block to getting good governance and to change being made by the Assembly. Mr Allister said that you could not talk about the spirit of the legislation, but I certainly think that the intention of those who came up with the idea of the petition of concern has been lost. It has become a tool of power rather than one of protection, which seemed to be its original intent.

In 'A Fresh Start', we have a proposed voluntary agreement on how the petition of concern should be used. As Mr Allister pointed out, that has already gone by the wayside, which shows you the stock that you can put in a voluntary agreement in politics. We have already had petitions of concern tabled since the Fresh Start Agreement and, as yet, have not seen one being tabled alongside the rationale for tabling it. I have criticisms of how 'A Fresh Start' tackles the issue anyway, but, given that the parties that signed up to it have already reneged on part of that agreement, we should be wary of a purely voluntary approach. We need a legislative approach, and we have an opportunity for change and to get agreement on this today. I would rather have seen alternative proposals come forward, as the SDLP did with amendment No 30, rather than a simple petition of concern to block the whole schedule. It has not been lost on many that proposals to amend the petition of concern have themselves been subject to a petition of

concern. Again, that does not lend itself to the idea that what we have here is good governance or an Assembly that is able to come to an agreement to legislate for change. That, of course, is subject to a proposed rewritten schedule from the SDLP, and I will wait to see that. However, as things stand, Mr McCallister's good work in pulling together the schedule has been referred to, and we should be debating the individual merits of each paragraph rather than what we are doing, which, ultimately, is voting on whether or not to have the schedule.

There are two proposals, and there are three options. There is the status quo. There seems to be consensus that the status quo has been dysfunctional and has called into question the integrity of the Assembly. We have the proposal outlined by the SDLP in amendment No 30, and we have Mr McCallister's proposals for a weighted majority. My attraction towards a weighted majority is that we can get rid of community designation. It is time that we took that step. We talk a lot about normalising politics in Northern Ireland, but it is not normal to designate on signing in beyond the designation of your party to designate as "unionist", "nationalist" or — a completely unsatisfactory term — "other". I am not an "other". I stand for many things; I am not simply apart from unionism or nationalism. Indeed, I argue that those parties in the Chamber have more to say and more to define them than simply their position on the constitution. In the Good Friday Agreement, it is enshrined that the constitutional status of Northern Ireland will not change unless that is requested by the majority of people of Northern Ireland. It is not even really a matter for this House, so why are we designating as "unionist", "nationalist" or "other" on the day of our signing in?

I referred to the protection of the petition of concern and community designation. I do not see why we cannot achieve that through weighted majority, and I go further and challenge the SDLP and Sinn Féin on that. We have been asked to move forward as a society in many ways, and, indeed, unionism has been asked to adapt and to move away from majoritarian rule, share power and accept the new dispensation, the changes to policing and everything that has come with it. That was right, and those were things that I supported, but there needs to be a degree of trust from nationalism and republicanism in accepting, in working with the parties across the Chamber, that nobody wants to go back to unionist rule or simple majoritarian rule. There is a genuine commitment to sharing power and to working for all the people of Northern Ireland.

I listened to Claire Hanna talk today on the radio, and she spoke very well about the need to normalise our society in relation to bonfires. She said that it is not normal that you can simply build a bonfire unchallenged on someone else's land without their permission. I listened and thought, "I have a lot of sympathy with that". She asked why we did not have the normal rule of law in Northern Ireland in relation to those issues.

She spoke very well, and I was compelled by her arguments. I would apply the same rationale to the way that we do things in the Chamber. Why do we not seek to normalise things? Why do we not move away from designating as unionist or nationalist? If we want to move away from divided communities — I believe that all of us in the House will, at least, say that that is what we want — why do we continue to divide our politics by using the language of two communities and others? If we are going to use that language, I would much rather that we were referred to as single-identity parties and cross-community parties, but, to be honest, I would rather get away from the use of that language altogether. That would be a major step forward and would send a signal to society that our politics is willing to change and that our society should change with it.

5.00 pm

A weighted majority would give adequate protections to allow that step to be taken and to move away from petitions of concern and community designation. We should have an argument about whether we should set it at 60% or whether it needs to be a bit higher. We should have that debate. We should not be afraid of the move, afraid to take that step. It is not about those details, and we should not say that we must forever have that protection. It harks back to the past, and it is preventing us from further normalising our institutions. That would be my preference. That said, I see in the SDLP's amendment an alternative option. It is a smaller step perhaps, but it is, at least, a step away from our current provisions for petitions of concern.

I made a point when Mr Attwood was speaking, and I will make it again. Any reform of petitions of concern that retains the principle but seeks to reform it must reform out the iniquity that is a cross-community vote that excludes cross-community parties.

My argument is that, rather than my vote and the votes of the Alliance Party not being

counted and being excluded in a weighted majority, and those who elected me not having their voices heard, they should be counted in both tallies. I represent unionists and nationalists. Indeed, there are unionists and nationalists in my party. That is the nature of cross-community parties. It is not about being other or neither of those things. It is about being those things and more. It is about saying that I may be a unionist or a nationalist, or I may not choose to define myself in that way.

Our politics is about more than those two stances in one part of our politics. It is about reflecting a much broader politics. I would like to get rid of designation, but, if we are to maintain it, we should recognise that a cross-community party can represent the interests of nationalists and unionists and the votes of a cross-community party should be split between the unionist and nationalist totals.

We can do better than that and can take a bigger step. We can and should remove community designation. It is clear that, with the petition of concern, that opportunity will be wasted today. Should we come back at Further Consideration Stage with an alternative schedule, in reflecting on the options, we can perhaps come back with the greater step of a weighted majority vote and get agreement on what that should look like.

Mr McCallister: All the work on the Bill, the group of amendments and, indeed, the proposals that are contained in the schedule has been about how we drive a consensus into our Executive arm of government. How do we get them to function and look and feel like a Government that have purpose and direction, with a vision and an appetite for where they are going, as well as the ability to deliver?

The difference we have at so many turns is that when our Executive fail, our Assembly fails. When our Executive hit the buffers, they look dysfunctional because they are dysfunctional, so much so that when the then First Minister used the word "dysfunctional" no one batted an eyelid. If the Prime Minister said that about his Government, or the Taoiseach said that about his Government, it would be a fairly big news story. Yet, we accept it in Northern Ireland, because it is terribly difficult to get everybody to agree on things. As I have said in the House before, when you look at policy initiatives you see that they read like a set of football results; with one in favour, four opposed, three in favour, two opposed, and this means that you cannot deliver on any policy.

I want to tackle a phrase that has been used about the Bill throughout the debate. It is the idea that the Bill is being used as a secret vehicle to get back to majoritarianism. I have not heard anyone, apart from Sinn Féin Members, speak seriously about majoritarianism, because no one is advocating for majority rule. Every single party has talked about how you can build a consensus and have a Government that work, are functional, and are held to account by a robust opposition. That goes right to the very heart of it.

Sometimes you think of Bertrand Russell's phrase about how, if you create fear, that drives us into a herd mentality. I want to quote from Professor Coakley, who gave so much useful evidence at the Committee. He compared some of the systems that are in place. The nearest one that we seem to be comparable to is that of the Belgians. In the Belgian system, you only need to have the same number of people from the two main communities in place. But there is no way of predicting what a future Belgian Government might look like. Here, we can roughly predict the numbers in what the Government will look like after 5 May. I also point to Professor Coakley's line stating that:

"The logic of that system is based on the pursuit of compromise."

That is where we have to get to. There is an idea that, somehow, unionism could dominate in some way. Professor Coakley's own phrase indicated that unionism is much more fragmented, yet every unionist in here who has spoken is much more at ease with changing things. Even though there are five unionist parties and a couple of independents here, unionism, in our broad tribal definition, is much more fragmented than nationalism. That said, unionism seems quite relaxed as to how it might deal with that, and indeed the need to move away from those sorts of labels and designations. Weighted majority voting gets you to the point of being cross-community and addresses our historical divisions. Professor Coakley also makes the following point:

"to be fair to those who drafted the Bill, they introduced a figure of 16.6%, but that need not be the figure."

He was talking about the d'Hondt threshold. That need not be the figure, as he goes on to say; it could change. You can move it in the same way that, at Further Consideration Stage, we are hoping to move the level at which you would qualify for opposition rights. So, all these things build in an answer to any question of moving to majoritarianism. There are so many

inbuilt mechanisms here. One of the biggest is our system of election: proportional representation.

To move to anything like that, we would need a seismic shift in voting patterns. Broadly across the Assembly, some of the faces might change after 5 May, but I suspect that the seat numbers will not be much different. You cannot change things; the PR system of election and d'Hondt are built-in protections. Whether some parties know it or not, you have started to change some of the arrangements around d'Hondt in that you have reduced the number of Departments. You will run d'Hondt on eight Departments and elect a Justice Minister. That changes the level at which you qualify for d'Hondt. When the number of Members is reduced — to 90, 80 or 75 — that will make a big difference. All those things — the Departments Bill, the Assembly Members (Reduction of Numbers) Bill — make a change.

At least this Bill has been through all the processes, and all the arguments have been put out in the press. I have engaged with all parties, and I am grateful to you all for that engagement. However, the Departments Bill and the Assembly Members (Reduction of Numbers) Bill are going through by accelerated passage and have not had the same robust scrutiny. I am in favour of scrutiny because I think, having listened to the discussions and comments from Members, parties and academics, that my Bill is a better one for having had that scrutiny. We have to find a way to move from the binary tribal argument of "Them and us". This is one way that we can continue, not by being naïve but by recognising that we need to address the historical divisions that, at times, dominated our past but we are moving away from that.

Many of us talk about how we might draw a line and change things from 10 April 1998. I say to Mr Attwood that I was and am a supporter of the Belfast Agreement. I voted yes and have never changed my mind. However, I recognise, like his former leader, Mr Durkan, that some of the ugly scaffolding needs to be taken down, albeit very carefully. We need to change and move on. We are getting further away from those times.

Many Members mentioned the situation pre 1972. I was a six-week-old baby when this place collapsed in 1972. I have no memory whatever of what this place was like back then. Northern Ireland is a changed place. Our population has changed; we now use a PR system; and we have d'Hondt and all the safeguards that go with it. What this has all

been about is trying to drive consensus into the Executive that they work out the policy direction. As Mr Kennedy said, you have talks and negotiations, you get a Programme for Government, and the Government set about how they might deliver that. That makes perfect sense to every democracy, and it should be no different here. There should not be the idea that Ministers can go about doing whatever they think is right at the time.

I want to read a quotation that deals with elements of collective government. The strongest view probably came from Dr O'Malley:

"The argument is that the doctrine gives an Executive a great deal of power to get things through that they might otherwise find it hard to get through if divisions were exposed. Collective Cabinet responsibility is therefore often seen as important for stable government"

— something that we do not have —

"and to enable policy decisions that might not be terribly popular but are seen as necessary. We can see, then, that these rules, which apply in most parliamentary democracies, tend to provide stability."

He goes on to highlight the major differences in Northern Ireland:

"you have the d'Hondt system, which enables everybody to get into government once they have a certain number of votes. That is probably necessary, given Northern Ireland's history. It means that in the Cabinet government system there is no need for Ministers to agree or for unanimity, confidence or confidentiality. That would be fine except for the fact that in Northern Ireland power tends to be shared out rather than shared. Ministers become dictators in their fiefdom. That is one of the difficulties that one might see with the current arrangement, in which Ministers have a great deal of power within their own area, especially when, as is increasingly the case, most legislation is by way of statutory instruments rather than primary legislation. The current arrangement therefore gives a great deal of power to individuals who are not sharing power across communities. As far as I can see, that is one of the areas that might need to be addressed in any reform of the current system."

That is why I have consistently said throughout this process that you need to move away from

sharing out power to genuine power-sharing. To me, that is one of the absolute key principles of the Good Friday Agreement: sharing power not shared-out power. It was never envisaged in the Belfast Agreement that we would share out power — "There's so much for your lot and so much for your lot" — and not look at the policy implications of that. That is not where the Belfast Agreement wanted us to go and is not where a great many people thought we would go: to a place where an Executive and Ministers collaborate on policies. This is laid bare in Transforming Your Care, which contains policies that are difficult to get right. The Minister of Health is, effectively, left carrying the responsibility for that, with no support from ministerial colleagues when things get difficult. University vice chancellors are talking about funding, but can we get a decision on that? We talk about education delivering on reform and a skills agenda, but we have set aside £105 million in the Budget for welfare reform and £5 million for skills: is that really the policy that the Executive want to follow?

For nine years, we have been told that the economy is our number one priority. If we went into the centre of Belfast and asked businesses whether they felt that the economy was the number one priority of the Executive, I am not sure that we would get that answer. All those policy areas fall foul of the dysfunctionality of the Executive. When we talk about —

5.15 pm

Mr Allister: Will the Member give way?

Mr McCallister: Certainly.

Mr Allister: Does the Member not think that you arrive at that point of dysfunctionality because of a simple situation: if you do not have to be agreed about anything to be in government, parties are even less likely to agree when they are in government. Whereas, if a weighted majority was the requisite threshold for parties that could agree a Programme of Government and command the requisite majority of a weighted majority, they would be agreed before they got into government, so you would have stability. Is a weighted majority not, in fact, the passport to stability rather than the present system, which guarantees the dysfunctionality that evidences day and daily?

Mr McCallister: I am grateful to Mr Allister for that. Agreement is probably the passport to stability, which we are struggling to get. The only part of that on which I disagree with the Member is that I think that we have to stick to

d'Hondt. He and I disagree on that. On collective Cabinet government, many in the House have a longing to be in an all-Ireland republic, but I will quote article 28 of the Irish constitution:

"The Government shall meet and act as a collective authority, and shall be collectively responsible for the Departments of State administered by the members of the Government.

The confidentiality of discussions at meetings of the Government shall be respected in all circumstances save only where the High Court determines that disclosure should be made in respect of a particular matter".

I quoted Eoin Daly at Second Stage, and this goes to the very heart of the issue:

"Collective responsibility of Government is not simply a political convention but rather a legal principle enshrined in the Irish Constitution. While article 28 of the Constitution states the government must be collectively 'responsible' to Dáil Éireann, it also stipulates that it shall 'meet and act as a collective authority'. This means that observance of the rule is not simply a matter of political convention, as in Great Britain – in theory, it is legally binding and justiciable at least in some instances ... it prevents government by faction, and ensures that executive power is located in a single accountable authority. For government to be effectively responsible, it must first be a collective – a single unit – rather than a cluster of undisciplined factions. Indeed, the principle first developed in Great Britain as a means of wresting executive power from King to cabinet."

The key phrase in that is:

"a single unit – rather than a cluster of undisciplined factions."

Mr Allister: Will the Member give way?

Mr McCallister: Yes.

Mr Allister: I suggest to the Member that he has a rather simplistic view of collective responsibility if he thinks that it fits like a glove with mandatory coalition. The very nature of d'Hondt mandatory coalition is, as I say, that you do not have to be agreed about anything. Therefore, collective responsibility is not the

natural complement to places as of right in Government. However, if you make your entry point into Government the need to agree on what you are going to do in Government, and make the cross-community hedge the qualified majority, then you only get in Government, whoever they are, those who are agreed on the fundamentals about health and everything else. Then collective responsibility fits like a glove, as it does in voluntary coalition, but it never fits like a glove in mandatory coalition because that idea is totally incongruous with collective responsibility.

Mr McCallister: I am grateful to the Member for that. As we know, coalitions are difficult to negotiate for any group of parties. After the last election, it was a five-party mandatory coalition with fairly diverse views — and not just on the constitutional position.

What I seek to do is this. Look at the direction of travel as set out, not only by this Bill, but by other agreements such as the Fresh Start Agreement. That is the direction in which they are moving. Whether parties here realise it or not, that is the direction of travel that you move in when you reduce the number of Departments and when you move to a single Executive Office that is going to coordinate. That is where this is going in other pieces of legislation, so that is why it is important to have it debated and looked at in this Bill. That is the direction, whether or not Sinn Féin or the SDLP fully accepts it. That is the direction of travel with the reduction in the number of MLAs, the reduction in the number of Departments, and OFMDFM changing to the Executive Office, getting rid of its departmental responsibilities and moving to a coordinating role. All that is designed to move you much more in the one coordinated direction that the Government are meant to be going. Whether or not it entirely moves in that direction, I think very few Members or parties in the House disagree with the idea that we should have an agreed Programme for Government after the election and before d'Hondt is run. That seems now to have entered into the main thinking of every party. Not that many elections ago — certainly when I was elected here almost nine years ago — that was not talked about. It was just as he said: you qualified under d'Hondt, you took your seats in Government, and, effectively, we left it to the Civil Service to write the programme and decide what Ministers were going to do. That is why, I think, this has to change and why all these reforms, taken together, point in that direction.

I would like to look at the issue around replacing designation. Eighteen years after the

Belfast Agreement, we really ought to be at a stage where we are ready to move away from that.

I remind Members — I jotted this down while Mr Agnew was speaking — that we did not, almost two years ago when legislating to reform local government, write designation into local government, even though much criticism had been made that our boundaries reflected splits between orange and green. Two council areas in south Down exemplify the difference. The largest in geographical terms is Newry, Mourne and Down, which has something in the order of 41 or 42 councillors, almost 30 nationalist and from the SDLP or Sinn Féin. The other council area, which I live in, is Armagh, Banbridge and Craigavon — I almost put my former council at the top of the list — with about 41 or 42 councillors. Probably close on 30 are unionist, from the DUP and UUP, with maybe some from UKIP and one from the TUV. However, we did not write it into the legislation that councillors, when elected, would have to designate. We had the confidence, and most of us, including me, made speeches arguing that the last thing that we needed to do in local government was to devolve our own dysfunctionality. That is why we did not do it. Not many argued for it; they wanted to leave that to councils and to stay away. I know that councils have their call-in mechanism, based on a weighted majority vote mechanism, that they can use in areas of concern and were very much moving to that.

I quoted briefly from the Northern Ireland Human Rights Commission's response to the Bill. It said, at some length:

"The Commission advises the Committee that the cross-community vote mechanism may be open to legal challenge under ECHR Article 3 of Protocol 1 taken in conjunction with Article 14. The Commission further advises that, while it considers that the mechanism is compliant with the blackletter of the law in light of the 'broad latitude to establish constitutional rules on the status of members of Parliament' given to the State, it questions whether the mechanism meets the spirit of the Convention taking account that the provisions of the ECHR are 'living' to be interpreted in light of present day conditions. The Commission therefore advises the Committee that the Bill affords an opportunity to scrutinise the proportionality of the current cross community vote mechanism. Establishing a reasonable and objective justification requires continuous review. The Commission also advises the Committee that it should consider whether

or not the proposed weighted majority voting mechanism is a more proportionate way of achieving the same aim which is ultimately directed at safeguarding community interests."

We are left in this strange place. I am broadly content to support Mr Attwood's amendment — amendment No 30 — on setting up an Ad Hoc Committee to look at the human rights implications of petitions of concern. We talk much in the House about human rights and the Equality Commission, yet, when our Human Rights Commission, set up in Northern Ireland to safeguard human rights, warns us that our designation system, mainly because it is not based on ethnicity — unionism or nationalism is not an ethnic identity — and does not fit easily with the European Convention, we choose to ignore it. We should be looking seriously at how to change that. Therefore, to those who want to hold on to designation, I say that weighted majority gives us all that protection.

5.30 pm

The whole schedule, as a mix, says two things. First, you should have a collective Cabinet Government. Why would the Government use petitions of concern against their own policies? Only in a place this dysfunctional would you have a petition of concern against the Government's own policy but, of course, that can, and may continue to, happen. On the issue of the petition of concern, some have said that Fresh Start gives us all the cover. All that Fresh Start tells us is, "As long as you do not table something that offends me, I will not petition-of-concern it." We are supposed to say, "Well, that is all very good", but I do not feel that it is going to get us where we need to go on these issues.

In both this and the threshold debate, to use Professor Coakley's line, 60% need not be the level. It is about establishing the principle that we move to cross-community vote. I will give Members some idea of the numbers. At 60%, with 108 Members, it is 65 Members. If you raise it to 65%, you go to 70 Members. If you hit 70 Members, on today's terms, you would need the equivalent of every designated unionist, the SDLP and three independents or the Alliance Party to vote to get you to that level. There is your guarantee of cross-community vote; or, if you do not like those labels, you could be counted in that as well. At no point and in no way could anyone ever accuse any of this Bill of majoritarianism. All the protections are built into it: that you negotiate; that you drive consensus into the Executive arm of government; and that you

build on the principles of the Belfast Agreement about including people in genuine power-sharing and in a properly funded working opposition that is included in the political process.

The Human Rights Commission spoke against the cross-community vote. However, a weighted majority vote gives all of that protection. The changes that I proposed around the petition of concern, with 30 signatures from three different parties required, simply mean that you have to get more of a consensus. It urges the Government to think again about a policy direction, which is what it was always intended for. That is much more like the system that we devolve down to councils. It could be a recall system or something to get into a weighted majority vote. That is all that that is about. Dealing with all of that is the direction in which this is moving.

As I have said, the threshold could quite easily have been moved up to what Members are more content with. That may have needed to be 65%, 66% — some votes in the US Senate need a two thirds majority — or 70%. My warning about putting it too high was that, if the numbers here change at some point, a Government might not be able to get its business through. You want to be careful what you wish for. You could also let each new Assembly determine what that cross-community vote should look like. It certainly seems very strange that the eight Members of the Alliance Party and Mr Agnew and the Green Party, as Members from cross-community parties, do not count. They do not even count to run an event here. You still have to have a unionist or a nationalist signing up to that. Those are the changes.

Mr Speaker, on your role, I would not suggest that, at any time, there was anything wrong with how you did your job, but I would just want to make sure about it in future. I am grateful for your contribution to the Bill. I will quote from some of that contribution:

"only those who have had the privilege of being Speaker have experience of how difficult it is to balance the role of Speaker with that of a constituency representative during an active Assembly. The responsibilities of Speaker often restrict your time and take you away from the constituency. While Ministers may always be inclined to respond to requests for meetings, you do not have the same tools that are available to other Members to pursue an issue such as speaking on the floor of the House or tabling motions or

questions. Neither do you have the ability of a Minister to pursue issues through your influence within the Executive. Similarly, you have to be careful about becoming involved in issues which you may end up presiding over on the floor of the Assembly and the nature of any constituency meetings you attend. The amount of media activity you can take to highlight an issue is limited particularly if it is critical of existing provision by a department or agency."

I am grateful to Mr Ross for at least acknowledging some of the ideas and thinking around changes relating to the Speaker. There seems to be a great concern about what a retiring Speaker would do. Given the fact that he is Lord Alderdice, you do not have to guess where he went to; Eileen Bell retired from the Assembly; Lord Hay went to the House of Lords. I am not sure whether the Speaker will take up his peerage, if offered, but most people do. It is the pinnacle of somebody's career to get to be Speaker of the Assembly.

The idea of replacing the Speaker in their constituency means that it does not upset the balance of that constituency. The current Speaker is the only elected Sinn Féin nationalist in the South Antrim constituency. The previous Speaker, Mr Hay, was the only unionist in the Foyle constituency. We are not ready to do it exactly the same as the Dáil, where we would drop South Antrim in May to a five-seat constituency and automatically return a Speaker. That causes its own problems. There is certainly a difficulty for a Speaker in attracting media attention. If they sought re-election, they would have to be selected by their party and get elected without having had the same constituency visits as others.

Mr Ross: I thank the Member for giving way. That was the point that I was trying to make. Convention dictates that the Speaker is somebody with that kind of respect in the community and in their party; they are somebody with such experience that it means that that is not a problem. In the case of Speaker Hay, he was re-elected after a term as Speaker even though he did not have the profile on constituency issues, because he is held in high regard in his constituency and party. Is it not the case that we do not need to legislate for that because convention shows that the type of person we will have as Speaker will not need that support or help because they are held in high regard and will have no difficulty should they wish to stand for office again?

Mr McCallister: In Lord Hay's seat, that was probably easier to do. If Mr Ross, for example, was Speaker — I know that he may feel that he is 30 years too young for such a role, but, if he were to be asked, he might accept it — and stood in his constituency of East Antrim, where he is competing with candidates from not only other parties but, I suggest, his own party, he might find it slightly more problematic to be selected and elected having not visited all the things that his colleagues would be able to visit. That is why the Speaker should be treated differently.

A secret ballot is what happens in the House of Commons, and Dáil Éireann seems to be moving to it. Some members of Sinn Féin were critical of the Taoiseach for not doing it before the election, but it seems to be heading that way after the election. That seems to be a better way of ensuring that the role of Speaker is truly viewed as a gift of the Assembly and not of any parties or a deal between parties.

That is why we should be looking to move to that system. I accept some of the arguments against, but, over time, we need to be moving to that type of system. Plus, it changes the numbers. When the current Speaker was elected, it made it slightly harder for Sinn Féin to get a petition of concern. When the Alliance Party held the post of Speaker, its number of Members was reduced, which is particularly difficult for a smaller party to deal with.

The amendment that I tabled for the Deputy Speakers to be elected in the same way pretty much reflects the contribution from the Speaker on the Bill. It makes perfect sense to elect the Speaker in that way, and we should also aspire to have at least one female Deputy Speaker, if not a female Speaker. It is something that we should be looking at.

I have touched on the issue of collective responsibility.

On the threshold for the nomination of Ministers, I will take paragraphs 10 and 11 together. Again, 16·6%, or 18 Members, need not have been the figure. It could have moved down if Members thought that it was too high or moved up if they thought that it was not high enough. That idea and of d'Hondt running in one line from Ministers through to Chairs is about starting to drive the consensus into the Executive arm of government: with a smaller number of parties in government, it is easier to reach agreement on various policy issues.

Mr Ross said that he was opposed to running d'Hondt in that way because a party below the

threshold would get an extra Chairperson. However, that party would be excluded from getting a Ministry. His party might get an extra Ministry that it did not have a d'Hondt entitlement to, so it would be right, on the opposition side, for the parties outside of government to get an additional chairmanship instead of a Minister's role. That is where the measure would work. It would be another incentive to go into opposition and take on the role.

On the issue of agreeing a Programme for Government, whether it is two weeks, three weeks or four weeks — under the Good Friday Agreement, you were allowed about six weeks to form the Government — it will take about two days to count the votes and a few days for people to recover before they get into meaningful Programme for Government negotiations. Those negotiations have to be meaningful, and two weeks would be a pretty tight timetable. Listening to Mr Lunn, he reckons that the answer lies somewhere between two and four weeks. I am relatively relaxed, however, if people think that they can do it in two weeks.

I am concerned by Mr Attwood's point about the Fresh Start provisions for the Programme for Government, which mean that you have to decide whether you are definitely going into government before you enter the negotiations. It would be a huge mistake to force that on people, and it would be very difficult to do.

On the changes to Statutory Committees, I accepted the ETI Committee's recommendation. That was a useful intervention. I note Mr Ross's comments on that and on the work that the Justice Committee has done to help on policy.

I move on to the reasons for having a simple majority vote for the Budget. Who are we kidding when, for the past few Budgets, two of the government parties voted against them? At the most recent debate on a motion about the Budget, two of the four government parties voted against. In the 2011 Budget process, four out of the five parties in the Government voted against it. I am not sure whether the SDLP has voted for the Budget since it held the Department of Finance and Personnel, yet it stays in the Government and gives that pretence.

5.45 pm

It seems to me that moving to a more collective government, a reduced number of Departments, an Executive Office and an

agreed policy between those in government would be a natural progression towards starting to normalise things, taking away the pretence. Effectively, it allows smaller parties in government off the hook to know that the two big parties have the numbers to carry the Budget, so it is easy to vote against. This place might look very different if one of the smaller parties in government could collapse the Budget process, because that would have serious implications for where the Government were and what they would do. There is nothing much more fundamental than voting against your own Government's Budget. It is fine for the so-called naughty corner to do it. I do not get the great privileges of being a Minister and carrying that burden of responsibility but, if I did, I would want to vote for my own Government's Budget, whereas people here do not need to face that responsibility; they can vote against it. That, again, feeds into the dysfunctionality.

I will touch briefly on some of the comments that were made. I appreciated Mr Attwood's summary on hoping to bring back something of clause 13 at Further Consideration Stage and his willingness to work on that. I am certainly open to working with him to do anything that I can in that regard. I appreciated his comments around the speakership. I also appreciated the comments of Ms Bradley, who spoke on behalf of the Committee. Mr McCartney talked about the Fresh Start Agreement and the reform to the petition of concern. The reforms to the petition of concern in the Fresh Start Agreement and the working out of a protocol are very lightweight. We need to do something better, whether that is upping the number of signatures or putting more diversity into those signing it. Something has to change, because the petition of concern is probably the one thing, in respect of this Building, that I tend to hear most criticism of when I am out in my constituency. People say that it has to change and that it has to move on.

Mr Kennedy talked about aspirational change, and I agree with that. I think we need to be moving and setting an aspiration. We are 18 years on from the Belfast Agreement. It is not going to be too many years until we are an entire generation on from the first ceasefires. That is a considerable length of time. We need to start to change and not be devolving our dysfunctional make-up, continuing to cry out on the tribal headcount and seeing everything through the prism of unionism or nationalism. We do that on every issue. The welfare reform debate looked like unionist versus nationalist even though there were many other points of view about the implications of that. I have no doubt that an EU debate will end up looking a

bit like unionism versus nationalism. We should have the confidence to do it. I accept that Mr Kennedy has long had reservations around the speakership changes. I suspect that, if he thinks that I am being a bit aspirational on the OFMDFM name change, he is being very aspirational if he thinks that we are going back to what is in the 1998 Act. I wish him well on that journey. I accept his view but I disagree with him on changing it. I agree with his use of "dysfunctional". Who gets to be First Minister has been one of the instruments used to beat up his party at elections. That is something he should be keen to change.

Mr Lunn was supportive of the changes in respect of the Speaker — that is good — and OFMDFM. He thought that 16.6% was too high. As Professor Coakley pointed out and all Members know, that could have been changed quite easily. He was less supportive of a simple majority with regard to the Budget.

Mr Ross pointed out that everybody had abused the petition of concern. I would point out that, in the nine years that I have been a Member, I have never signed one.

Mr Kennedy: You are a saint.

Mr McCallister: A saint. I hope that Mr Kennedy follows that up with something. I am not sure whether, if I tell you that Mr Allister has never signed one, he would say the same about him. He seems a little more hesitant, Mr Speaker. *[Laughter.]* The petition of concern has been used —

Mr Kennedy: To be fair, he would not be advocating sainthood for himself.

Mr McCallister: Just for clarity, Mr Speaker, I was not advocating sainthood for myself, but it is always nice to be mentioned in the same phrase. If I were awarded it, I am sure that I could share it with Mr Allister since Mr Attwood kept mixing the two of us up.

The petition of concern being used against welfare reform caused us huge problems. It almost brought the Assembly crashing down. Meanwhile, two of the three parties that signed it were in government, implementing with mitigation measures their own policy and torpedoing their own policy. That is the type of thing that looks dysfunctional. To be fair to Mr Agnew, he is not in government and does not carry that burden.

On the issues around OFMDFM, it was a valiant attempt, Mr Ross, to continue to

maintain that there is a difference between the offices of First Minister and deputy First Minister. I am not sure that many out there see it. It raises the question of whether you would take the deputy First Minister's job if your seat number came behind another party. Indeed, if you did not, would you then try to negotiate to have them made the same? It just looks to me like unionism is getting itself in a bind about that, when it would be safer just to say that it is an equal and co-joined office and that one practically cannot order a cup of coffee without the other. We should call it what it is.

The Member talked about court challenges and collective Cabinet government. It probably goes to a point that Mr Allister also made, which was that the two do not always fit neatly hand in glove. I would say that it is the direction of travel that his party, Sinn Féin and other signatories to 'A Fresh Start' have put in place: you are moving more towards this system. Having court challenges between Departments makes us look — to use the D-word — dysfunctional. As I have mentioned before, running d'Hondt would get you an extra ministry and an opposition party would get an extra Chair. The two would balance out. That builds inclusion into the political process.

A legislative timetable is a very good idea, considering the amount of business that we have over the next few weeks. Again, Mr Ross welcomed the amendment.

Mr Agnew talked about the weakness of the Fresh Start Agreement around the petition of concern. Whatever comes out of this on the schedule and what we come back with at Further Consideration Stage, we have to find a mechanism that more accurately reflects the votes here. Not only is it unfair that the votes of Alliance and Green Party Members do not particularly count in a cross-community vote, it is unfair to the people who vote for those parties. That is why it is important. It is why a weighted majority vote made so much sense to me — because of that need to normalise and change. The irony has not been lost on me that a petition of concern has been used to block reform of the petition of concern.

I am happy to support the SDLP amendment No 30, although I suspect that it will not be made, and other amendments. I wish that they had not used the petition of concern on the schedule, but, hopefully, we can find some mechanism to move forward and get some of this. If not, it has been a useful and necessary debate to set out ideas and outline an aspiration of how we might change and how this place needs to change. I can tell you that,

when we get through an election, Members are returned and we hit problems a year in, the old bugbears of collective responsibility and how we get a Government working as one when the wheels start to come off and difficult decisions on policies need to be made will come back. We have to get to a more normalised policy-based programme. It has to be bigger than "The Brits should send us more money". It has to be more than that, because, when I speak to people in South Down and across Northern Ireland, their one cry is that they want, need and deserve good governance. The driving force behind all the work that I have done on the Bill has been how we can address our historical division but deliver good governance and build in protections. I think that I have achieved that balance, but the overriding aim of this has to be to deliver good governance for the people of Northern Ireland.

Mr Attwood: As I said in my opening remarks — I probably did not honour it — I do not intend to detain the House long, save to make a small number of points.

Mr McCartney: Please do not promise.

Mr Attwood: I can reassure Mr McCartney that this will not take that long.

Earlier, Mr Lunn said that there was a sense of shadow boxing around the debate. I would rather use the terms that there has been probing and interrogation of what is in John McCallister's Bill to see where we may create positions of strength that can earn the confidence of the House and become law on the far side of the Final Stage. That is the process that I think we are in. It is not shadow boxing but more assessing, at this stage in the evolution of the Assembly, what we can achieve and what is beyond even the reach of Mr McCallister in the clauses he has drafted.

A number of things are pretty clear about the political response of various parties to the Bill. I am not saying this in any hostile way but by way of commentary. Sinn Féin puts all its eggs in the Fresh Start basket, in that the proposals therein are the shape of what it thinks should be achieved and no further than that. Whilst we have agreed with Sinn Féin on one or two matters, it has attempted to stop every clause of the Bill during Consideration Stage. The DUP appears to have a slightly hybrid position in that, whilst it put a lot of its eggs in the Fresh Start basket, it also recognises that it may be necessary to put some things in law. In that way, it is a hybrid between what is outlined in 'A Fresh Start' and the clauses of the Bill that it

has endorsed during the day. We will see if that position is held at Further Consideration Stage and Final Stage.

The SDLP has taken the approach of trying to gather around the principle of opposition in law, creating processes around how that might be realised and, at the same time, taking the opportunity to address a small number of issues. Any amendments that we table at Further Consideration Stage will have as part of their narrative those three principles. Gathering around opposition in law will go further than 'A Fresh Start' and, in that way, will be very sympathetic to the body of the Bill that Mr Allister — Mr McCallister, I correct myself — has outlined.

6.00 pm

Then, through an amended clause 13, we have processes for how to bring those matters to life. At the same time, in the schedule, we try to outline a small number of matters that might win the confidence of the House and not be blocked. All of that is subject to the call of the Speaker because these clauses were subject to a petition of concern at Consideration Stage. Therefore, we intend to try to shape them in a way that wins the confidence of the Speaker in their being brought to the House at Further Consideration Stage and, on the far side of that, the confidence of the House generally.

I want to make only three or four points on the substance of the debate. Whatever way the issues fall today or after today, it is curious that a lot of them were not dealt with in our rolling negotiations over the last number of years. Certainly, some were dealt with in the reform agenda for petitions of concern, the number of Departments and MLAs, and opposition. However, the other matters that Mr McCallister's Bill touches upon, in the schedule in particular, have not been part of the body of the negotiations. That may well be because they were viewed by some parties as being beyond the reach of those negotiations, but, given their absence, the matters that Mr McCallister has included in the schedule to his Bill have been very useful in informing the mind at a political level and outside the Chamber.

I will make only two or three points, simply to see whether, in probing them, there might be some opportunity to get a better position through Further Consideration Stage. The first point is on the Programme for Government. There is a view, as touched upon by Mr Kennedy, by Mr McCallister in the schedule and by the SDLP, that the model outlined in 'A Fresh Start' is not the most desirable. I will

remind Members of what it says at paragraph 61:

"After the Assembly meets following an election and before the FM-DFM are selected and the d'Hondt process runs, representatives of the parties who are entitled to take up places in the Executive and who confirm their intention to do so will meet to resolve the draft Programme for Government."

Maybe for probing reasons or maybe for material reasons, we will table an amendment at Further Consideration Stage on how the First Minister and deputy First Minister are elected as opposed to selected. It is a blunt instrument to say to parties that may or may not wish to go into the Executive that, in advance of resolving a Programme for Government, they have to confirm their intention to do so. It may well be that the people who support that approach are saying that, on the far side of the election, and before the First Minister and deputy First Minister are selected and d'Hondt is run, there will be so much backroom work between the parties that people will have a very good idea of what the Programme for Government might look like, and it is at only the very last minute, before a draft Programme for Government is resolved, that parties have to confirm their intention to go into government. We do not know — it is open to interpretation.

One way of resolving that is an amendment in the schedule that lays down the pivot point — whether it is two, three or four weeks — of when people go into the Executive or not. The SDLP view is that only after the election and Programme for Government negotiations can a judgement be made by any party, including the SDLP, on whether or not the ambition of going into government, which should be the ambition of all parties and is certainly the ambition of the SDLP, can or cannot be realised. That matter could be usefully looked at at Further Consideration Stage.

Secondly, nearly everybody's view on petitions of concern is informed more by worst fears than best hopes. Given the experience of the last number of years, people rely on and cling to the current model of petitions of concern and look to moderate their operation only by way of protocol because of worst fears about what other parties or blocks in the Assembly might want to achieve. Even the good intentions of a protocol amount to little and cannot be relied on in the event that others in the Assembly want to rely on the existing model in order for their views to prevail.

Mr McCallister: Will the Member give way?

Mr Attwood: I will, but, before I do, the same can be said about the SDLP's model of creating a structure for an Ad Hoc Committee. With an Ad Hoc Committee, you can still have a situation of worst fears whereby the views of one group or tradition in the Ad Hoc Committee could prevail, contrary even to the advice of specialists brought in to advise on equality and human rights. Nonetheless, a structural approach seems to us to be an advance on relying on a protocol and best intentions, which, as we know, might amount to very little.

Mr McCallister: I will make two points briefly. First, changing the voting mechanism from a cross-community vote to a weighted majority vote is quite a concession from the DUP, in that it would give up its automatic right or ability to block things. It might be able to lodge a petition of concern, but it would not be able to block something as it does not have 40% of the seats. That is quite a change. Secondly, on the idea of having a Committee system, one of the difficulties that I see is that it will be a micro version of the Assembly.

Mr Attwood: Yes, the potential is that the sins of a large number of people in the Chamber are visited on a small group of people, except that the structure would be established in law. At least on the face of it, that would have to measure itself against equality and human rights standards. That would be tested by bringing in experts who would be able to advise on equality and human rights standards. The process could be materially different from the one on the Floor at the moment, when no expert is brought in to advise. No one states what the equality and human rights issues might be, and simple numbers can prevail. Whilst there are risks with either, it seems to us that there are potential benefits in one over the other. I urge Members to think a bit further in the event that amendments are proposed at Further Consideration Stage and accepted by the Member.

Thirdly and finally, as I was saying, some of these issues have not had a full hearing for a long time. Let us be honest about that. Weighted majority and whether the DUP is given a concession or whether —

Mr McCartney: Will the Member give way?

Mr Attwood: I will in a second. The Bill has been interrogated in the Chamber as opposed to elsewhere. Mr McCallister makes a fair point that, when local government was reorganised,

options for models of power-sharing or cross-community voting or thresholds to mitigate abuse were left. They had to choose from a menu of options, but they had to choose. In that way, you could argue that there is tension between where we are here and where we are elsewhere.

It all comes down to a matter of judgement. I will let Mr McCartney come in shortly. We are going through what is, by Mr McCallister's own admission, a significant re-engineering of government, because reducing the numbers of Departments and MLAs has consequences for entitlements and for the shape and look of government. Given that we are already undertaking significant government reform that can work itself through with significant changes in the character of what government looks like and who is or is not there — that is separate from the issue of opposition — a judgement has to be made about where we are with the evolution of our architecture and what is the right way to recalibrate it at this stage.

I will give way to Mr McCartney.

Mr McCartney: You have moved on from the point, but in relation to how the issue of weighted majorities and some of the other issues were addressed, that was carried out at Committee Stage. Perhaps that is the more appropriate place to debate it, rather than here on the Floor.

Mr Attwood: The point I was making is that, on the party political government side, a select range of issues were being interrogated in those negotiations, and Mr McCartney will be fully aware of that. Yes, other issues were being interrogated in a separate stream, if you like, in here, and I think that that has been very healthy, but it is curious that it has not been washed over to the wider political negotiations. That is the only political observation that I was trying to make.

Given that we are already past our teatime, Mr Speaker — never mind that it is very long until our bedtime tonight — I will leave it there. We are intending to bring forward amendments to reconfigure clause 13 and the schedule. I have shared some of the thinking on that with the Chamber in response to the debate.

Question, That amendment No 30 be made, put and negated.

Mr Speaker: Amendment No 31 has already been debated and is mutually exclusive with amendment No 32.

Question, That amendment No 31 be made, put and negatived.

Amendment No 32 made:

In page 7, line 16, leave out from "and," to end of line 17.— [Ms P Bradley.]

Mr Speaker: Amendment No 33 has already been debated and is consequential to amendment No 32.

Amendment No 33 made:

In page 7, line 19, leave out sub-paragraph (2).— [Ms P Bradley.]

Amendment No 34 made:

In page 7, leave out paragraphs 7 to 14.— [Ms P Bradley.]

Mr Speaker: I will not call amendment Nos 35 to 37 as they are mutually exclusive with amendment No 34, which has been made.

6.15 pm

Amendment No 38 made:

In page 8, line 31, at end insert

"Legislative timetable

13A. *The motion may request that the Executive Committee be obliged to lay a legislative timetable before the Assembly at least once a year.*— [Mr McCallister.]

Amendment No 39 made:

In page 8, line 33, leave out paragraph 14 and insert

"14. The motion may request that the function of statutory committees becomes to scrutinise Ministers and to advise and assist Ministers in the formulation of policy."— [Mr McCallister.]

Amendment No 40 proposed:

In page 8, leave out paragraph 15.— [Mr Attwood.]

Question put and negatived.

Mr Speaker: Mr McCartney's opposition to the schedule has already been debated. Before I put the Question, I remind Members that the schedule requires cross-community support due a valid petition of concern.

Question put, That the schedule be agreed.

The Assembly divided:

Ayes 45; Noes 36.

AYES

UNIONIST:

Mr Allister, Mr Anderson, Ms P Bradley, Mr Buchanan, Mrs Cameron, Mr Clarke, Mr Craig, Mr Cree, Mr Douglas, Mr Dunne, Mr Easton, Mrs Foster, Mr Frew, Mr Girvan, Mr Givan, Mrs Hale, Mr Hamilton, Mr Hilditch, Mr Humphrey, Mr Irwin, Mr Lyons, Mr McCallister, Mr McCausland, Mr I McCrea, Mr D McIlveen, Miss M McIlveen, Mr McQuillan, Mr Middleton, Lord Morrow, Mr Moutray, Mr Newton, Mrs Pengelly, Mr Poots, Mr G Robinson, Mr Ross, Mr Storey, Ms Sugden, Mr Weir, Mr Wells.

OTHER:

Mr Agnew, Mrs Cochrane, Mr Dickson, Mr Ford, Mr Lunn, Mr McCarthy.

Tellers for the Ayes: Mr Agnew and Mr McCallister.

NOES

NATIONALIST:

Mr Attwood, Mr Boylan, Mr Dallat, Mr Diver, Mr Eastwood, Ms Fearon, Mr Flanagan, Ms Hanna, Mr Hazzard, Mrs D Kelly, Mr G Kelly, Mr Lynch, Mr McAleer, Mr F McCann, Ms J McCann, Mr McCartney, Ms McCorley, Mr McCrossan, Mr McElduff, Ms McGahan, Mr McGlone, Mr M McGuinness, Mr McKay, Mrs McKevitt, Ms Maeve McLaughlin, Mr McMullan, Mr A Maginness, Mr Maskey, Mr Milne, Mr Murphy, Ms Ní Chuilín, Mr Ó hOisín, Mr Ó Muilleoir, Mr O'Dowd, Mrs O'Neill, Ms Ruane.

Tellers for the Noes: Mr McMullan and Mr Ó hOisín.

<i>Total Votes</i>	<i>81</i>	<i>Total Ayes</i>	<i>45</i>	<i>[55.6%]</i>
<i>Nationalist Votes</i>	<i>36</i>	<i>Nationalist Ayes</i>	<i>0</i>	<i>[0.0%]</i>
<i>Unionist Votes</i>	<i>39</i>	<i>Unionist Ayes</i>	<i>39</i>	<i>[100.0%]</i>
<i>Other Votes</i>	<i>6</i>	<i>Other Ayes</i>	<i>6</i>	<i>[100.0%]</i>

The following Members voted in both Lobbies and are therefore not counted in the result: Mr Allen, Mr Cochrane-Watson, Mrs Dobson, Mr Hussey, Mr Kennedy, Mr Nesbitt, Mrs Overend, Mr Patterson, Mr Swann.

Question accordingly negatived (cross-community vote).

Schedule 1, as amended, disagreed to.

Long title disagreed to.

Mr Speaker: That concludes the Consideration Stage of the Assembly and Executive Reform (Assembly Opposition) Bill. The Bill stands referred to the Speaker.

6.30 pm

Ministerial Statement

Court Estate: Rationalisation

Mr Speaker: The Minister of Justice wishes to make a statement.

Mr Ford (The Minister of Justice): I wish to make a statement on my decisions following the consultation by the Northern Ireland Courts and Tribunals Service (NICTS) on proposals to rationalise the court estate. Looking to the future, Northern Ireland requires a court estate that is capable of providing appropriate access to justice for its people and that has the capacity and flexibility to manage the changing landscape of court business, including the changes in business volumes. A rationalised court estate must be one that can be maintained and that, where possible, improves the facilities and services for court users by focusing available funding on a reduced number of venues. It must also be affordable in the long term. It is with those objectives in mind that the consultation was launched and that I made the decisions that I am announcing today.

(Mr Deputy Speaker [Mr Dallat] in the Chair)

The consultation process, which was extensive, began 12 months ago and involved seven public events and a series of meetings with council delegations and other elected representatives. Ninety-seven written responses were received by NICTS, many of them expressing concern at the possibility of closing a local courthouse. I thank all those who took the time to provide their views on the proposals. I am also grateful for the

constructive input from the Justice Committee as we sought to develop and refine the proposals.

At the outset, I acknowledge the proposals' sensitive nature and the concerns about the potential impact that closures will have on court users. I also wish to stress that rationalisation of the court estate is part of a wider process of modernisation, which involves NICTS assessing not only where it delivers court and tribunal services but how those services are delivered. The objective is to make greater use of technology; to provide courtrooms and other facilities for victims, witnesses and other court users that are fit for purpose and can operate in a way that meets people's needs; and to ensure that working practices efficiently deliver access to justice for all our citizens.

I have taken extensive time to consider my decisions. In doing so, I have sought to balance the concerns expressed by local stakeholders against the facts, including the unprecedented financial pressures facing my Department, the clear evidence that many of our courts are underutilised because we have too many of them and business volumes are falling, and the pressures in the Courts and Tribunals Service as a result of falling staffing levels in the context of wider public-sector reform.

In common with other public-sector organisations, the Department of Justice has seen very significant budget reductions in recent years. Those reductions have had, and will continue to have, a significant adverse impact on the entire justice system, including the Courts and Tribunals Service. I previously indicated that, in allocating resource budgets, my priorities are to protect, as far as possible, front-line policing; to ensure that the PSNI has adequate security funding; and to protect, as far as possible, other front-line areas across the Department, with the aim of protecting outcomes for the public. Consistent with those priorities, my Department has delivered a proportionately higher level of financial savings than the front-line justice agencies for which it has responsibility. Notwithstanding the steps I have taken to protect the front line, the amount of money that is available to the Courts and Tribunals Service has significantly reduced.

Since 1 April 2014, the NICTS funding allocation has reduced by £4.5 million, or 10.8%. In addition, its income from court fees has reduced by £2.9 million due to falling business volumes. As a result of the Department of Justice's Budget allocation, the NICTS budget will be reduced again

significantly in the incoming financial year. NICTS has made significant efforts to deliver savings to minimise the impact on service delivery. Over the past two years, NICTS has reduced the number of staff posts by 77, or 10.5%, relocated the Coroners Service, the Enforcement of Judgements Office, the Tribunal Hearing Centre and the Parole Commissioners from leased premises to other existing accommodation; reduced the size of its senior management team; streamlined its corporate services function; and reduced the costs associated with contracted services. However, those measures alone will not be sufficient to allow the service to operate within budget in future years.

Given that operating and maintaining the court estate alone accounts for £9 million a year, it is no longer feasible to continue to manage the estate in its current form. In the context of the financial pressures facing the public sector and in line with the Executive's commitment to public-sector restructuring and reform, NICTS launched a three-year modernisation programme, the objective of which is to:

“deliver an Agency which is structured and resourced to provide efficient and effective service delivery to users; and to have a workforce that is equipped to work in a new and increasingly challenging environment.”

One element of that programme is focused on the rationalisation of the court estate. The objective is to ensure that NICTS serves the community in buildings that are capable of hearing the full range of court business while allowing the agency to focus diminishing resources on a smaller number of venues. The decision to consult on the rationalisation of the court estate was not taken lightly, and the process has not been rushed. I have thought long and hard about what is needed in the context of business need, service delivery and affordability. Even if NICTS were not facing the financial constraints that I have described, it has to be acknowledged that we simply no longer need the number of courthouses currently in operation in Northern Ireland.

In his recent report on the adequacy of the court estate, the Chief Inspector of Criminal Justice has highlighted the inefficiencies in the Courts and Tribunal Service, noting that court business volumes are falling and that many court buildings are underutilised. Utilisation rates are measured on the basis of actual sittings against maximum sittings available in a venue. In 2014-15, the utilisation rates in the courts under consideration for closure were as follows: Armagh, 29.6%; Ballymena, 38.8%;

Enniskillen, 42.8%; Limavady, 23.3%; Lisburn, 59.8%; Magherafelt, 20.7%; Newtownards, 62.6%; and Strabane, 29.7%. The Chief Inspector of Criminal Justice summarised the position when he commented that:

“The cost of maintaining a significantly underused court estate has hastened the closure of some courthouses and more must follow, particularly those where the facilities do not reach the current standards.”

The reality is that Northern Ireland does not need the number of courthouses that we currently have and we can no longer afford to retain and operate them. I have carefully considered the views that were expressed during the consultation, both in the formal responses received and at the public meetings. In reaching my decisions, I have sought to take account of the concerns that were raised. While it is simply not feasible to maintain the status quo in regard to court accommodation, I have sought to limit the overall impact and to consolidate our estate into the larger or more modern buildings. Consequently, I have concluded that, in addition to the closure of Limavady courthouse, which was announced in 2012, the following court venues should be closed: Armagh, Ballymena, Lisburn, Magherafelt and Strabane. Having listened to the strong arguments advanced in relation to Enniskillen, I have decided that it should be retained and that it should become a hearing centre. This means that Enniskillen courthouse will remain open on the days when a court is sitting, generally two or three days each week. On the days when there is no court sitting, the office will be closed.

The consultation paper outlined a proposal that would have involved the closure of Lisburn and Newtownards courthouses and the creation a family justice centre in the Old Town Hall building. While creating a family justice centre remains an aspiration, the capital funding that would be required to make this happen is simply not available at this time. Consequently, the building will remain closed on a temporary basis, and its future use will be considered in the context of the wider DOJ estate strategy. Notwithstanding this decision, the closure of Lisburn courthouse and the transfer of that business to Laganside Courts is achievable. However, as this is a minor variation on the original proposal in the consultation paper, consultees were given a further opportunity to submit any further views they had. Having considered the further representations received, I remain satisfied that Lisburn courthouse should close. It is not, however, practicable to accommodate the court business currently dealt with in Newtownards at Laganside, and I have

therefore decided that the Newtownards court should be retained at this time. Its longer-term future will be determined as and when decisions are taken in relation to the future use of the Old Town Hall building.

The closure of these six courthouses, along with the continued temporary closure of the Old Town Hall building and the proposed changes at Enniskillen, will result in a much-needed recurrent saving of over £1.1 million per annum. When taken with other accommodation reductions planned or recently implemented by NICTS, the rationalisation programme will deliver recurrent savings of over £2 million per annum. While I have no doubt that some Members, some court users and some members of the public will have concerns about specific closures, I am satisfied that, in the current financial climate and in the context of falling business volumes and the significant underutilisation of the current court estate, it is appropriate to proceed with the six closures. I have therefore asked NICTS to develop an implementation plan to allow the commencement of a programme of closures in the summer of this year. I believe that the closures I have announced today, along with the other strands in the wider modernisation programme being taken forward by NICTS, will enable us to achieve the objective that I outlined earlier.

Mr Ross (The Chairperson of the Committee for Justice): One could be forgiven for being a little bemused by some of the Minister's statement. He speaks of improving the facilities and services for court users but acknowledges that there is no money available to improve or upgrade the remaining court buildings. He speaks of the extensive consultation process but ignores the fact that he ignored the consultation responses. He speaks about modernisation and utilising technology, but there has been no indication from him that he is willing to move ahead with innovative solutions, such as online dispute resolution, even when identified by the Committee.

In the modern age, no one argues that every market town should have a courthouse, but will the Minister, first of all, share my concern that Mid and East Antrim will be the only council area that does not border Belfast to be left without a courthouse? Secondly, can he confirm the annual recurring cost of maintaining the courthouses earmarked for closure and whether that cost is included in the very modest projected savings of £1.1 million per annum? Finally, can the Minister outline what he intends to use the buildings for, once they cease to be fully functioning courthouses, and whether he is

open to turning many of them into community justice centres that could house voluntary and citizen advisory organisations?

Mr Ford: As usual, the Committee Chair has managed to get in a significant number of questions. I hope that I have most of them noted down. He refers to the issues of modernisation and online alternative dispute resolution. There is no issue in the Department of Justice against the suggestions that the Committee has made in that respect, but the reality is that we are not there and are not ready to do that yet. The work that is being taken forward in other aspects of the Department's work is showing that as an opportunity that will, of course, reduce further the requirements for courtrooms.

The Member refers specifically to Mid and East Antrim as the only council area not bordering Belfast without a court: yes, but the issue is not the provision of courtrooms in every council area, as it was not under the previous pattern of local government. The issue is providing an appropriate pattern of courthouses, as far as possible, that have modern facilities, are fit for purpose and are capable of meeting the needs of victims and vulnerable witnesses and those of people with disabilities and having them within reasonable travelling distance of all those who would use them. That does not mean that they tie into a council pattern.

The savings outlined take account of the fact that, for the immediate future at least, the Courts and Tribunals Service will continue to maintain the redundant buildings, provide security for them and so on, but, obviously, the aspiration is that they will be utilised for other purposes as far as possible. The normal procedures will apply. They will be offered to other statutory bodies. After that, there will be the issue of placing them on the open market if no others take them up, or, depending on the outcome of work that is being done elsewhere in Departments, we will look at community asset transfer. However, the buildings will be maintained and kept safe by the Courts and Tribunals Service until those issues are resolved.

Mr McCartney: Go raibh maith agat, a LeasCheann Comhairle. In relation to the closures, I think it is very obvious that the Minister is doing this for cost savings only. I use the case of Strabane as an example. The moving of Strabane cases to Omagh will present a massive case management problem for the PSNI. They cannot take the cases to Derry because of capacity issues. Also, I visited Omagh courthouse, and it is very

obvious that Omagh is not ready to take the caseload from Strabane because of disability access. I ask the Minister to reflect on that decision.

Mr Ford: I appreciate Mr McCartney's point, in the sense that Omagh is probably the least modern of the courts being retained. However, this is not an issue of costs only, as he suggests. It is a cost issue, but it is also an issue of falling business volumes. The point has to be to make appropriate use of public facilities. It is not possible to maintain the pattern of services that we have had in courts up to now.

The Member raises the issue of additional costs for the PSNI, but, frankly, I am not sure that I see any significant difference between travelling 15 miles from Strabane to Derry or 20 miles from Strabane to Omagh. The PSNI and, indeed, other services have not identified problems with the rationalisation proposed.

6.45 pm

Mr Deputy Speaker (Mr Dallat): I remind Members that, because this is a statement, they do not have to rise in their place; you simply give your name to the Clerk. I also remind Members that questions should be concise.

Mr McGlone: Go raibh maith agat, a LeasCheann Comhairle, agus gabhaim buíochas leis an Aire as a ráiteas. Thank you very much, Mr Deputy Speaker, and I thank the Minister for his statement. How many representations did the Minister receive in relation to Magherafelt courthouse, including meetings between his Department and the local community and those acting on behalf of the local community and with local solicitors? If he does not have access to that detail today, could he please provide it to me in writing?

Mr Ford: Mr McGlone correctly predicts that I do not have access to those figures today, and I will provide them in writing.

Mr Kennedy: The Minister has delivered a grim statement to the House. I welcome, at least, the reprieve given to Enniskillen and Newtownards courthouses, but I express deep concern about and opposition to the proposed closure of Armagh courthouse, in particular, and the others. I implore the Minister to reconsider his decision on Armagh, given the impact that will have on the local economy. In the event that he is not willing to do that, will he, at least, give an assurance to me and to the House that, if the building is to be sold, every

effort will be made to sell it to another Department or government body, including local government, so that appropriate alternative use can be made of what is a landmark building in the centre of Armagh city?

Mr Ford: I appreciate Mr Kennedy's point about what he describes as a "landmark building", but the function of the Department of Justice is to provide access to justice, not to maintain landmark buildings. I have already said and will repeat that the Courts and Tribunals Service will maintain all the relevant buildings until they are disposed of to others.

I will repeat the basic facts about Armagh. The utilisation rate is 29.7%. That means three half-days per week, on the basis that, if even one case is heard, that counts as a half day. That is simply not sustainable. Of the business that was disposed of in 2014, criminal cases were down 3% on the previous year and civil cases down 51% on the previous year. That is the pattern across courthouses throughout Northern Ireland, and that is why it is simply not sustainable, in the face of all our financial difficulties, to maintain that estate.

Mr Dickson: I thank the Minister for his statement. The reality is, as the Minister has just stated, there is a reduction in the number of cases, which is clearly welcome, because it means that there is a reduction in crime. Indeed, as the Chair of the Committee said, there are alternatives to dispute resolution other than civil cases. Also, the Minister is correct in stating that the court estate is about providing efficient and modern facilities and not about maintaining buildings of significant architectural heritage. Can the Minister assure the House that, in making the reductions, he has stretched his budget as far as he can; that the only alternative would be for the Executive to provide more resources; and that, even if they did so, the sensible action would be to continue to close those courthouses?

Mr Ford: I thank my colleague for his comments. Certainly, it is welcome that crime figures are on a downward trend, although there is, of course, always the occasional upward blip. When he refers to modern buildings, he will know that, in my career as a social worker I spent time in the single room in Carrickfergus town hall that is still called the "Court Room", although it has not been used as the court room for a long time.

I then spent time in the Newtownabbey petty sessions office, as it was. All those cases are now taken at Laganside, where they get the

benefit of much more modern facilities that have the ability to segregate witnesses and avoid the problem of witnesses, defendants and victims all being together, which frequently occurs in the older courtrooms.

The reality is that the budget is stretched and has to be dealt with in a way that meets the key needs of society, which relate to public protection. I am afraid that it is not about maintaining a courtroom in every former market town. That, compared with allowing people to use modern facilities even if they have to travel a bit further, is not what meets the interests of justice,

Mr Poots: Burglaries were up by around 30% in the last few months. Perhaps, if the other end of Mr Ford's Department ensured that more people were brought to court, better use would be made of the court facilities. The one that stands out is Lisburn courthouse. We have looked at other courthouses with 20% or 30% usage. Lisburn courthouse has just short of 60% usage, yet it is being closed, and Enniskillen, which has 42% usage, is being kept open. There is clearly something wrong, and Mr Ford has ignored the facts —

Mr Deputy Speaker (Mr Dallat): We really need a question shortly.

Mr Poots: Thank you for drawing me to that, Mr Deputy Speaker. Does the Minister accept that his case lacks robustness? Does he also accept that he will cause immense pain, hurt, anxiety and anguish to those who now use the family court in Lisburn but will be sent to the mayhem of Laganside, which is already bursting at the seams in the mornings?

Mr Ford: When somebody uses words such as "mayhem", it is hard to take their point seriously. If Members are not aware of the specific geographical issues that affect somewhere such as Enniskillen and the distances that have to be travelled there compared with the distance from Lisburn to central Belfast, I do not think that they are taking account of the realities of that aspect of access to justice. A key part of the consideration was looking at appropriate and reasonable travel times to courts, acknowledging that some people would travel further. That was inevitable with any rationalisation, but there is a significant difference between travelling by the quality of public transport that is available in and around greater Belfast and travelling in rural Fermanagh and Tyrone.

Mr Milne: Go raibh maith agat, a LeasCheann Comhairle. I cannot welcome the Minister's statement. It seems that south Derry is being deprived of yet another public service. Does the Minister accept that his efforts to cut costs will have a detrimental impact on the people of south Derry and that the number of service users appears low because cases that could have been heard in Magherafelt have been diverted to other areas for some time?

Mr Ford: I accept, of course, that this change will have an impact on some who use the courts. However, I cannot accept that it is seriously detrimental for people to travel a bit further to get the benefit of the much more modern facilities in somewhere such as Dungannon. If Mr Milne is acknowledging that, in his view, the number of cases in Magherafelt is already down because they are being heard elsewhere, that suggests that closing the courthouse will not make a huge difference.

Mr Douglas: I thank the Minister for his statement, which referred to the aspiration of creating a family justice centre in the Old Townhall Building in Belfast. Will the Minister outline whether that building is structurally sound? It was built in 1871, restored in 1983 and severely bombed in 1985. Does he have any idea of the estimated cost of its restoration?

Mr Ford: Mr Douglas raises a significant point. It was very much my aspiration to be able to develop a specific family justice centre based at the Old Townhall that could have served the needs of a fairly wide area. Unfortunately, the reality is that the money is not currently available. I do not have the figure in front of me, but my understanding is that we are talking about close to £3 million to renovate the building. The latest condition survey of the Old Townhall, which was carried out five years ago, showed that it was structurally sound. However, it would need a significant refit at a cost of £3 million. If Mr Douglas or anybody else won the lottery this week, I would be happy to take that money from them and use it in a worthwhile way by setting up a specific family justice centre. At this stage, as much as I would have wished to, it is not possible to proceed with that.

Mr McCrossan: This is, to say the least, a most unwelcome statement. It is very depressing for the people of my town of Strabane, who have now lost another public service. In Belfast, we have seen how the closure of smaller courts can often have an unintended negative impact on others, such as the closure of the Old Townhall and the effect on Laganside. Will

Strabane lose another public service, given that it had its busiest year last year, with the negative consequence of that being heaped on the courthouse in Omagh?

Mr Ford: I am not sure whether it is precisely accurate to say that Strabane had its busiest year last year. Business disposed of was down 1% last year on the previous year on the criminal side, given that civil and family business goes to Omagh anyway. This is part of the unfortunate reality that Members have to acknowledge: it is simply not possible to maintain the range of courthouses that we have. A significant part of the Strabane district is not significantly further away from Omagh than it is from Strabane, although that is clearly not the case for those in and around Strabane town. The access issue is about ensuring proper courtrooms where cases can be heard, and we get the best possible facilities. I acknowledge that Omagh is not in an ideal position compared with others, but nor is Strabane, whose utilisation rate last year was 29.8%, and fewer than three out of 10 half-days were used.

Mr Hussey: Like Mr McCartney and Mr McCrossan, I am also disappointed to hear that Strabane courthouse is to close. The Minister referred to the 30% usage. I am sure that he has taken into account the fact that Strabane is one of the most deprived areas in Northern Ireland and the objections that were put forward by the legal fraternity. He always refers to the Courts and Tribunals Service. Clearly, you have never attempted to settle a tribunal in Omagh courthouse, where there is very little room for tribunals. In fact, there is very little room for the people who represent people at tribunals. With the change in welfare legislation, there will be an awful lot more tribunals, so what steps will you take to ensure that Omagh is capable of dealing with all the cases that will be brought to it in addition to those from Strabane and that people in Strabane will have fair representation in tribunals?

Mr Ford: Representation is an issue for those who provide representation, whether they be legally qualified, people from advice centres or whatever. Mr Hussey highlighted a specific issue about the suggested crowding of Omagh, and that has been raised in a number of cases. Listing arrangements are an issue for the judiciary. I have discussed it with the Lord Chief Justice, and officials from his department and mine are looking at how to manage the listing better. There is no doubt that some of our courthouses are busy at 10.30 am, but very

few are busy even an hour and a half later. There are fundamental listing issues that are more for the judiciary as to how we maximise the use of what are expensive buildings to run.

Mr Frew: This is another sad day for Ballymena and yet another kick in teeth for the town and the area. How much will it cost to maintain Ballymena courthouse in its closed state? What savings are to be made by closing it? Is it not a short-sighted decision by the Minister that short-changes the Assembly and will have a devastating effect on the only council area — Mid and East Antrim Borough Council — that will not have a courthouse that borders Belfast?

Mr Ford: I have already answered Mr Frew's point about councils. Courthouses provide services to the public; they are not there to tick boxes against old or new councils. He asked how much will be spent on the maintenance of Ballymena courthouse. I do not have that figure in front of me, but I will write to him. I repeat that the savings, even allowing for the ongoing costs of ensuring that the building is maintained and security is provided, will be £221,900 a year. That is the level of saving needed.

7.00 pm

Mr I McCrea: I too am unable to welcome the statement. Given the rural aspect of my constituency and the difficulties that there are with transport there, can the Minister ensure that this decision will not have a detrimental impact on the administration of justice, especially for the most vulnerable, in Mid Ulster? Does he disagree with the Lord Chief Justice, who warned about the potential impact on the administration of justice if the closures go forward?

Mr Ford: I have discussed how we manage to provide access to justice with the Lord Chief Justice, and that is an issue that is clearly making a change.

Mr McCrea talked of the needs of a rural area like Mid Ulster, and I can assure him that the issues of time taken to travel to courts and public transport, even though only 6% of those who use courts use public transport, were taken into consideration to ensure that the great majority of people will not have a significantly long journey, given that most will travel by private vehicles anyway and that those who use public transport will have a reasonable length of time for bus journeys. This is an issue that is clearly exercising a number of people, but it is very surprising that very few people have mentioned anything other than the concerns

about their constituencies. Nobody has given me any suggestions as to any alternative ways of saving money.

Mr G Robinson: Will the Minister consider meeting some of the Limavady legal profession to explain the rationale behind the ludicrous decision to close Limavady courthouse after a full consultation exercise involving elected representatives, mainly from the DUP, local councils, the legal profession and others? It is a much-needed local facility that will still require financial commitment to maintain it after closure. That closure will cause great inconvenience to the vast majority of court users, the legal profession and the PSNI, particularly considering that Londonderry and Coleraine courts are overflowing.

Mr Deputy Speaker (Mr Dallat): Can I have a question, please?

Mr G Robinson: Done.

Mr Ford: This "ludicrous decision", as Mr Robinson called it, was taken on the basis of a utilisation rate in Limavady of 23.4%. Criminal business received was down 26% and disposed of was down 23% in the last year, with civil and family business already dealt with in Londonderry courthouse. Will I meet delegations? No, I will not meet delegations, because that facility was offered during the consultation period and was taken up by a number of local authorities and other groups. That was the appropriate time to have that discussion, not after a decision has been announced.

Mrs McKeivitt: Minister, your announcement this evening is a huge blow to the status of Armagh city. Mr Kennedy was correct to describe the court as an iconic building in the city. Members of the legal profession tell me that it is one of the best-equipped and most functional premises in the entire court estate. That is from those who practise in it. I call on the Minister to review this bad decision, because citizens will be denied access to justice. We have united political opposition to the closure of Armagh courthouse, and there is a strong case for keeping it open.

Mr Ford: I congratulate Mrs McKeivitt for being the first Member who has not just done special pleading for the constituency she currently represents. To say that this decision is denying access to justice to the people of Armagh is just rubbish. Access to justice is not a building in the town; it is the justice system functioning, and the ability to use modern courts with appropriate facilities, as I have outlined. It is

not about maintaining historic buildings, however important they might seem. If there are those who have concerns about an historic building in Armagh, they will have options to raise them. It is simply not feasible for the Department of Justice, which is funded to provide access to justice, to maintain buildings for the sake of maintaining buildings.

Mr Swann: The Minister referred to engaging with local councils. He engaged with Mid and East Antrim Borough Council with regard to Ballymena. Did he listen to it? He talked today about closing Ballymena courthouse. How many jobs has he just removed from Ballymena?

Mr Ford: The answer to the question on the number of jobs is that the number of jobs will be maintained when business moves from Ballymena to Antrim. I accept that there is an issue with Ballymena, which has concerned a number of people in recent days, but to compare it with the 2,000-odd jobs that we are talking about in two major factories is somewhat unrealistic.

The key question from Mr Swann was on whether I had listened to representatives of Mid and East Antrim Borough Council. Yes, I listened. My officials sought to engage with them, but no realistic proposal was put forward that would have meant that it was possible to retain Ballymena courthouse. It is rather unfortunate that members of the council have chosen to attack the decision, without having put forward any proposal that would have made it possible to keep the courthouse open.

Mr Givan: The Minister has indicated that he has deliberated on this issue for a long time. First, given that the consultation on Lisburn courthouse closed last week, can he explain why he has been able to rush to the House to announce its closure? Secondly, whilst he has indicated that he listened, he clearly has ignored the consultation responses from the legal profession in my constituency. The price is being paid by the most vulnerable victims, witnesses and families because of the failure by this Minister to effectively and efficiently run his Department.

Mr Ford: If the former Chair of my Committee could tell me, from his time when he had the opportunity to scrutinise the budget closely, where there was an inefficiency in the way in which the DOJ budget was run, I would be interested to hear about it, because I do not remember any significant suggestions coming forward, other than the times when the

Committee delayed the proposals to reform legal aid when he was Chair.

The issue with Lisburn was specific. An extension to the consultation was allowed because of the variation in the original plan from using the old town hall as a family justice centre, including Lisburn. The reality is that the responses were not significantly different from the responses that had come back previously. Therefore it did not require many days after the closure of that consultation last week to confirm the position. Had specific new proposals been raised, and had there been specific issues relating to family justice that had shown a different way of addressing it, I would have taken longer, but the responses merely repeated what had been said, by and large, in the first round of consultation.

Mr Allister: May I express my dismay that the Minister has decided to kick Ballymena when it is down? We have lost hundreds of jobs, and now the Minister robs us of the last remaining courthouse in north Antrim. He pretends that it is about economics, but his Department spent £1.7 million on upgrading Ballymena courthouse —

Mr Deputy Speaker (Mr Dallat): Order.

Mr Allister: — and now he wants to close it. Where is the economic sense in that?

Mr Deputy Speaker (Mr Dallat): Order, please. Earlier, I requested Members' cooperation and asked them to ask questions. This sounds very much like a speech.

Mr Allister: Where is the economic sense in spending £1.7 million on a courthouse and then closing it?

Mr Ford: Money was spent because it was necessary to renovate Ballymena courthouse to make it compliant with the Disability Discrimination Act and to look at other matters. That does not mean that it is feasible or possible, in the circumstances that have changed significantly for the worst in my Department's budget since that time, to continue on that basis. Mr Allister starts off by saying that I "kick Ballymena when it is down". It seems to me that the only people who are kicking Ballymena when it is down are those who are making out that this is another major blow to the Ballymena economy comparable to JTI or Michelin. That is simply not the case.

My job is to provide appropriate buildings for all the people of Northern Ireland to see that

justice can be done and that access to justice is available for people. For Mr Allister to kick Ballymena in a crude attempt to kick me does nothing for him or his constituency.

Mr Hazzard: At the fear of being one of very few people to welcome the statement — or, more accurately, to welcome the information that is not in it, which is that Downpatrick courthouse has been saved and is no longer on the list — can I ask the Minister to outline what opportunities exist for those courthouses remaining in the court estate going forward, including Downpatrick, to upgrade their facilities? Go raibh maith agat.

Mr Ford: I am not sure whether Mr Hazzard read the detailed paper that came out early on. A number of specific issues relating to public transport links in Downpatrick meant that it was not recommended for closure. The consultation, therefore, did not deal with it. It is very noticeable that nobody in South Down rushed to suggest that it should be closed. At this stage, I do not have the details before me about what may or may not be appropriate for Downpatrick, but the key issue will be that, by making savings through closing a number of other courthouses, there will be some freeing up of money. It will not be much, because it is largely to deal with the cuts that are being imposed on my Department, but there will be some freeing up that may make possible further minor changes that are needed to any of the existing courthouses. As I made it clear when I was talking about the Old Townhall, there will be no massive capital investment in the immediate future.

Committee Business

Addressing Bullying in Schools Bill: Extension of Committee Stage

The following motion stood in the Order Paper:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 17 February 2016, in relation to the Committee Stage of the Addressing Bullying in Schools Bill [NIA Bill 71/11-16]. — [Mr Weir (The Chairperson of the Committee for Education).]

Motion not moved.

Licensing Bill: Further Extension of Committee Stage

Resolved:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended further to 19 February 2016, in relation to the Committee Stage of the Licensing Bill [NIA Bill 69/11-16]. — [Mr Maskey (The Chairperson of the Committee for Social Development).]

Executive Committee Business

Credit Unions and Co-operative and Community Benefit Societies Bill: Further Consideration Stage

Mr Deputy Speaker (Mr Dallat): I call on the Minister of Finance and Personnel, Mr Mervyn Storey, to move the Further Consideration Stage of the Credit Unions and Co-operative and Community Benefit Societies Bill on behalf of the Minister of Enterprise, Trade and Investment.

Moved. — [Mr Storey (The Minister of Finance and Personnel).]

Mr Deputy Speaker (Mr Dallat): As no amendments have been tabled, there is no opportunity to discuss the Credit Unions and Co-operative and Community Benefit Societies Bill. Members will, of course, be able to have a full debate at Final Stage. The Further Consideration Stage of the Bill is therefore concluded. The Bill stands referred to the Speaker.

Official Opposition: Statement of Proposed Entitlements

Mr Deputy Speaker (Mr Dallat): The next item on the Order Paper is a motion on the statement of proposed entitlements for an official opposition. The Business Committee has agreed to allow up to one hour and 30 minutes for the debate. The proposer of the motion will have 10 minutes to propose and 10 minutes to make a winding-up speech. All other Members who wish to speak will have five minutes.

7.15 pm

Mrs Pengelly (Junior Minister, Office of the First Minister and deputy First Minister): I beg to move

That this Assembly endorses the statement of proposed entitlements for an official opposition, as set out at appendix F4 of the Fresh Start Agreement; and calls on the Speaker to take forward the implementation of these provisions before the end of the current Assembly mandate.

The purpose of today's motion is to seek the Assembly's endorsement of the statement of proposed entitlements for an official opposition as set out at appendix F4 of the Fresh Start Agreement. The statement of proposed entitlements sets out a number of provisions for an official opposition that, if agreed by Members today, will grant you the authority to decide how each element should be taken forward, including which aspects could be implemented through administrative changes or Speaker's rulings and which could require changes to Standing Orders.

(Mr Speaker in the Chair)

The origins of the development of the statement of proposed entitlements for an official opposition date back to the period leading up to the Stormont House talks in 2014. At that stage, the creation of an official opposition in the Assembly was cited as one means by which the Executive could be made more accountable and more responsive to the Assembly. The devolution settlement and the Northern Ireland Act that underpins it are based on the principle of inclusive government whereby all political parties with sufficient electoral strength are entitled to participate in the Executive through the nomination of a Minister or Ministers to it. The Northern Ireland Act does not, therefore, make any provision for the concept of, or mechanism for, opposition. While it is, of course, open to any eligible party to forgo its Executive seats, as the Ulster Unionist Party did, no special status or entitlement is attached to that action at present.

The recognition of and means of support for an official opposition were therefore discussed in the Stormont House talks, together with other aspects of institutional reform. The 2014 Stormont House Agreement stated that arrangements would be put in place to enable those parties that are entitled to ministerial positions in the Executive but choose not to take them up to be recognised as an official opposition and to facilitate their work. The agreement also indicated that —

Mr Allister: Will the Minister give way?

Mrs Pengelly: Sorry.

The agreement also indicated that those arrangements should include provisions for cost-neutral financial and research assistance and designated speaking rights. Following the Stormont House Agreement, a subcommittee on institutional reform was established and remitted to consider what entitlements a future official opposition should receive. The subcommittee deliberated on that and reported to the party leaders' implementation group.

The measures that we are proposing today reflect those discussions and represent the measures on which there was the broadest consensus. Those are outlined in appendix F4 of the Fresh Start Agreement and are as follows. It is proposed that the provisions to be made for an official opposition will be made available to and restricted to those parties that would be entitled to ministerial positions in the Executive but choose not to take them up.

Mr Allister: Will the Minister give way on that point?

Mrs Pengelly: Sorry, I want to finish this initial speech. You can then respond to that, and I am happy to pick up your points in the winding-up speech. That would be a more appropriate way to deal with it.

Such parties should elect to go into opposition at the time they decline the offer of a ministerial position in the Executive when d'Hondt is run at the start of the mandate to fill ministerial offices. The provisions to be made for an official opposition will be put in place by way of administrative or other means not requiring primary legislation. That will be a matter for you, Mr Speaker, and the Assembly to progress. Parties noted that giving the provisions a legislative footing would require Westminster legislation.

It was agreed that a major element of the provision to be made for an official opposition should take the form of enhanced speaking rights during plenary business in the Assembly. That is in common with the provision typically made for official oppositions in jurisdictions elsewhere and would apply to the range of business undertaken in the Chamber.

During Question Time, the official opposition will be permitted to ask the first supplementary question after the tabling Member for the first

three listed questions for oral answer to each Minister. During topical questions, they will be allocated the first topical question to the Minister outside the usual ballot for such questions. During questions for urgent oral answer, the official opposition will be permitted to ask the first supplementary question following the Member who tabled the question. For Executive business concerning Budget and Programme for Government debates, the official opposition will be permitted to be the first contributor following the Minister.

When Executive legislation is being taken through the House — Bill debates, subordinate legislation motions and legislative consent motions — the official opposition will be the first contributor in such debates following the relevant Statutory Committee Chairperson, if appropriate. The official opposition will be able to table the first question to a Minister following ministerial statements and be the first contributor, after the tabling Member, to a Matter of the Day. It was agreed that it would be for the Speaker, in consultation with the Business Committee, to determine the frequency with which opposition debates were to be scheduled.

Concerning the provisions to be made on enhanced speaking rights, it was agreed that, were the official opposition to comprise more than one party, the apportionment of speaking rights among parties would be determined by such parties on the basis of party strength. That process might mirror that used for the allocation of private Members' business by the Business Committee.

While it is acknowledged that, once an official opposition comes into operation, custom and practice is likely to lead to titles being conferred on Members from parties that form part of the official opposition, there was broad agreement that no formal provision for titles should be made. A further element of the provision relates to cost-neutral financial and research assistance for opposition parties. It was agreed that that should be provided through the financial assistance for political parties (FAPP) scheme or the ring-fencing of Assembly research facilities.

As might be expected in discussions involving the five parties that at that point were represented on the Executive, there were other proposals that did not receive general support. They were not therefore included in the statement of proposed entitlements.

The motion seeks the Assembly's endorsement of these measures and remits the Speaker to

commission the necessary work to ensure that they are in place for the start of the new Assembly mandate in May. We cannot predict which parties — indeed, whether any parties — may choose to forgo their entitlement to a seat on the Executive. However, if we accept the principle that an official opposition should be recognised, it is important that its status be made meaningful and effective through the implementation of the provisions outlined in this statement of proposed entitlements for an official opposition. We do not expect the measures to be definitive, but they provide for a broad range of provisions to be made available immediately for the official opposition that future Assemblies will be able to review and, if they wish, enhance. We do not believe that their introduction will compromise any future consideration of the statutory underpinning of an official opposition.

Mr Speaker, it is for those reasons that we seek the Assembly's endorsement of the statement of proposed entitlements for an official opposition and for the implementation of the provisions to be taken forward by you before the end of the mandate.

Mr Speaker: I call the Chairperson of the Committee for the Office of the First Minister and deputy First Minister, Mr Mike Nesbitt.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): Mr Speaker, you surprise me.

I welcome the statement from the Minister. I think that the Committee is certainly aware of the proposals, but I stand to be corrected. I do not believe that the Committee has taken a position on the proposals for an official opposition, so, with your permission, I will take off the hat of the Committee Chair and speak as an individual.

As the Minister said, the Ulster Unionist Party has already voluntarily withdrawn from the current Northern Ireland Executive. We promote the introduction of an official opposition. We see that as the next mature step towards a normal democracy in Northern Ireland, so it is not about undermining anything; it is about improving and acknowledging, in fact, that these institutions are here to stay. For the avoidance of doubt, let me say that, in calling for an opposition, this is not about some sort of play for a return to majority rule. When we talk about "normal democracy", we understand that, for the foreseeable future, the Executive must be led on a cross-community basis and that, therefore, the largest parties of the two main

traditions will form the core of the Government or at least have first refusal.

I am extremely keen to put it on record once again that the Ulster Unionist Party felt that the creation of an official opposition had to be cost-neutral compared with what we currently spend on running our government. There could be no increase, and, therefore, we were not looking for salaries for any leaders in an official opposition, nor were we looking for anything other than perhaps some ring-fenced access to Assembly research. Again, the junior Minister has made it clear that that facility is envisaged in the so-called Fresh Start Agreement. As she said, there were arguments that we made but lost. We would very much have liked to see the official opposition having first refusal of a number of Committee Chairs: that is not going to happen. Indeed, more broadly, we would have preferred if the mechanism to create an official opposition had been primary legislation coming out of Westminster. Call us cynical, but maybe we believe that what you can give in a debate like this one day you can take away the next. That is the rough and tumble of politics. We made our case and lost some of the argument, but we won the big argument, which is that we should have an official opposition.

I very much welcome the junior Minister making it clear that, after the election, when we go into the negotiations on the Programme for Government, it will be at the point that d'Hondt is run that a party will have to make the call as to whether it takes its entitlement to be at the Executive table or withdraws to form part of the whole of an official opposition.

Mr Speaker: Let me congratulate you on that quick recovery, although I have to say that the podium misled me: I thought that you were sitting there as Chairperson and had the podium on that basis. Very well done indeed.

Mr Lyons: It is good to take part in the debate, and I very much support the motion before the House. We have made considerable progress in recent weeks with the implementation of the Fresh Start Agreement and the important reforms that are found in that. We have already discussed reducing the number of MLAs and reforming and cutting the number of Departments, and the fact that we are starting down the road of having an official opposition is another important part of the reform process. Although what has been set out today is not legislative change, it, in effect, places some responsibility on your shoulders, Mr Speaker, to make sure that the changes are implemented through our Standing Orders or wherever else those changes need to be made.

I say that we are beginning here; we are not saying that this is the end of the journey or that we have this all right. We are saying that we start here and it will be up to those in the next mandate to decide where they want to go after that. We will now have arrangements in place at the start of the new mandate, and that is very important.

Opposition really comes down to two issues: time and money. We see that time will be given to those who wish to be part of the official opposition. It is significant that, at Question Time, the first supplementary question after the tabling Member for the first three listed questions will go to someone who is not a Member of any of the parties that are in government. The first contributor to debates following the Budget and the Programme for Government will also be someone from the opposition parties, as will the first contributor to ministerial statements and Matters of the Day. Opposition parties will also have an entitlement to opposition debates, so there is certainly the time for those who are not in government to ensure that their voices are heard and to ensure that they have the time to scrutinise the work of the Executive.

As well as having time, we have money; there is financial assistance available to those who wish to form the opposition. I agree very much with Mr Nesbitt that it is a good thing that this is done on a cost-neutral basis, because we have not cut the number of MLAs and Departments to save money in that way in order to spend more on funding an official opposition.

7.30 pm

I think that what we have here is a very positive start. We can obviously return to it later, but I very much welcome the progress that has been made, and I will support the motion this evening.

Mr Maskey: Go raibh maith agat, a Cheann Comhairle. On behalf of Sinn Féin, I also support the motion and endorse the provisions of entitlement. If, as we hope, the Assembly endorses the motion this evening, you, Mr Speaker, will have the fairly onerous task of working with the Business Committee and, within the entitlement of the Speaker, making your own rulings as well.

As far as our party is concerned, we are quite happy to support the provision and enablement of an opposition, although, speaking for myself and many others, I would much prefer it if all

those who have an electoral mandate were around the table working together and sharing the burden of trying to tackle all of the many outstanding difficulties that we as a society have yet to resolve. I do not think that it is fair if parties get a mandate and then stand away from shouldering that responsibility, but that would be their choice, and that is fair enough. The provisions, if endorsed here today, enabling you, Mr Speaker, to take this forward, will provide for that.

As I have said, I think that the provisions are generous for the circumstances that we live in. They will certainly be adequate for those who want to put themselves into opposition. As I said, our party is more than happy to support this. It has already been said that this does not mean that it has to be definitive or that, in the future, there would not be some further legislative underpinning of such provisions if they are required and people want to make those arguments in due course. Our party will be keen, as always, to listen to those arguments and to move forward on that basis.

So, for now, and particularly for May — right at the beginning of the next mandate — there will be provision for an opposition. I just hope that some of those who are seeking the right to have an opposition do not ever regret getting what they ask for.

Mr Attwood: Mr Speaker, I apologise that I missed the junior Minister's opening remarks. In that regard, and in order to create certainty and avoid doubt, I will ask a series of questions, and I would ask for definitive responses.

This was touched upon by Mr Nesbitt and may, therefore, have already been covered. The statement of proposed entitlements for an official opposition is set out on page 55 of 'A Fresh Start'. Paragraph (i) of that statement states:

"Those parties which would be entitled to ministerial positions in the Executive but choose not to take them up, to be recognised as an official opposition. Those parties which choose to go into opposition should elect to do so at the time they decline the offer of a ministerial position in the Executive when d'Hondt is run."

I think that Mr Nesbitt referred to that.

I refer to paragraph 61 of 'A Fresh Start' and ask the junior Minister to confirm that the only and proper interpretation of paragraph (i) about entitlements in section F and of paragraph 61 is

the one that Mr Nesbitt referred to. It says in paragraph 61 of 'A Fresh Start':

"After the Assembly meets following an election and before the FM-DFM are selected and the d'Hondt process runs, representatives of the parties who are entitled to take up places in the Executive and who confirm their intention to do so will meet to resolve the draft Programme for Government".

So, my question to the junior Minister is this: does this mean that parties have to declare their intention to enter into government before the Programme for Government is concluded, or is it the case, which seems to be the more proper position, that it is only at the time when d'Hondt is run that parties may choose to go into opposition or into government?

There is a difference between the two, and there may be a tension between the two, in that one says that you decide when d'Hondt is about to run while, in the other, essentially, you decide when you are about to resolve the draft Programme for Government and before d'Hondt is run. I ask for clarification as to which it is from the junior Minister. I think that there is a proper way to handle this matter in the event that any party wants to go into opposition, and there is a less than proper way, which is to declare what you are doing before the Programme for Government is finally resolved.

What follows in paragraph 61 is this:

"Changes to Westminster legislation (as soon as time permits) could extend the time available from seven days to fourteen days".

This is in respect of the Programme for Government. My second question to the junior Minister is this: have there been any conversations with London in relation to any Westminster legislation, not necessarily in respect of the extension from seven days to 14 days but in respect of the previous point I made, namely about confirming your intention to enter into government in advance of a draft Programme for Government being resolved? Have there been any conversations with London? If so, what were they? Is there any legislation coming? I presume that the answer to all of this is negative but, subject to the Minister's comments, I ask for answers to that.

The SDLP has been arguing since 2012, in a submission that was presented to the then Secretary of State in respect of his consultation around a miscellaneous provisions Bill for Northern Ireland, for legislation to put in place

an opposition with entitlements in the Assembly. In as much as this statement moves in that direction, that is the right direction to move in. We always argued for that, consistent with entitlements under d'Hondt and the democratic mandate, and it is our intention and that of every party, I presume — to touch on the point made by Mr Maskey — that you seek a democratic mandate to enter into negotiations on the Programme for Government, on the far side of which you enter into government. That, clearly, is the ambition of any and all parties, and it is the ambition of the SDLP. Subject to those two questions and the potential tension between those two paragraphs, the SDLP is prepared to see the statement move forward.

Mr Dickson: Mr Speaker, I will be brief. I am speaking on behalf of my colleague Mr Lyttle, who is unwell this evening. I want to place on record that the Alliance Party supports the establishment of an opposition. However, we are not in a position to endorse the proposal this evening, not least because of some of the issues that others have raised and because a party could qualify for an Executive position but could choose to form part of an opposition. However, I wish to leave the House clearly understanding that the Alliance Party is in support of those moves towards an opposition.

Mr Allister: I note that it is almost three months since the Fresh Start had the revelation that we would have an opposition. Indeed, the motion only came to fruition when Mr McCallister's Bill was about to hit the Floor of the House.

I can draw some conclusions from that. One can also draw conclusions about the appetite for opposition from the two parties that, in the main, support Fresh Start: they have happily conducted business for years without opposition. I am glad that they are at least, kicking and screaming, being dragged somewhat in that direction. Of course, they are trying to take a de minimis approach, in that they are trying to make it as hard as possible to be in opposition. They want to set the threshold at being eligible for and then turning down a position in government, in the hope that all other parties will be imbued with the same greed as they have for office and will not turn down government office. They hope that the lure of the limo will be as strong for everyone else as it obviously is for the two proponent parties. Thus, they have set the threshold as high as they could. Given the drop in the number of Departments, that means that, quite possibly, it could take 11 or 12 seats to qualify for an Executive place after May. As many as 30 Members, maybe a third of the House, could

be ineligible for inclusion in the Executive and, therefore, not eligible to be in opposition because the threshold has been set so artificially high in order to discourage the practice of opposition.

The first challenge to the Department is this: if those two parties are, as they would belatedly like to have us think, so genuinely keen to see an opposition, why are they making it as difficult as possible to establish an opposition by putting the bar as high as they can —

Mr Lyons: Will the Member give way?

Mr Allister: — and contemplating the situation in which you might have 30 or more Members in the House who are not eligible for participation in the Executive and, equally, not eligible for participation in an opposition? I will give way.

Mr Lyons: I thank Mr Allister for giving way. He made the point that he thinks that the bar has been set too high. However, we have an extensive list of opportunities for Members in the official opposition to speak in the Chamber. You said that there could be up to 30 Members in opposition, but what if there are only three, four or five? That would mean that they were the first to speak in Budget and Programme for Government debates and have the first three questions in Question Time. Surely it would be unfair to other Members for such a small number to have such a huge influence.

Mr Speaker: The Member has an extra minute.

Mr Allister: I do not know which 'Fresh Start' document Mr Lyons has been reading, but it is certainly not the one published on the OFMDFM website, which anticipates those powers for opposition only if the parties concerned have turned down a place in the Government. The suggestion that 'Fresh Start' states that three or four people could exercise those functions is really nonsense. I have made the point that you could have as many as 30 Members of the House who are not eligible for government and not eligible for opposition, while OFMDFM merrily and happily carries on.

That brings me to a point that the junior Minister was surprisingly timid about, in that she would not even give way. The question for the junior Minister is this: when her party offered, during last Tuesday's debate on John McCallister's Bill, a threshold of 8% as the qualification for being an opposition party, was it only playing games with Mr McCallister? Is it wedded to what 'Fresh Start' says, or is one half of the

Fresh Start proponent parties in the camp of saying that it is quite happy to reduce it to 8%? The House is entitled to know. Is the DUP playing games with Mr McCallister's Bill, is it serious about saying that the threshold could be 8% or is it wedded to what it is putting before the House tonight, namely, the 'Fresh Start' document? That self-inflicted confusion needs to be clarified, and clarified very thoroughly, by the junior Minister. I hope that she will not duck, dive and dodge that question. It is a simple question: is her party playing games with Mr McCallister or is it serious about accepting 8% as the threshold? If it is serious, where does that leave the 'Fresh Start' document? Perhaps we could get an answer to that.

7.45 pm

As for its being cost-neutral, I have an idea for Minister Pengelly. We could fund this by culling a lot of the special adviser posts in OFMDFM because we have eight, which is the same as the Welsh Government. If we want to make this cost-neutral, would it not be a good start to reduce the number of those posts and putting it to better use than at present?

Although the junior Minister is not willing to take interventions, I hope that she will not dodge those issues and will try to answer the questions.

Mrs Pengelly: I thank Members for their contribution to this important debate on the provisions to be made to give recognition to an official opposition and to facilitate the work undertaken by parties entitled to ministerial positions in the Assembly but who choose not to take them up. I will respond to some of the issues raised by Members during the debate. I welcome the broad support of the leader of the Ulster Unionist Party for the motion.

The statement of proposed entitlements does not include everything that was asked for, which will be a source of frustration for some. It does, however, in my view, constitute a strong basis for the way forward. As we enter into the next term, it gives an opportunity for further discussion and consideration on how we could improve, enhance and build on this progress of establishing an official opposition.

I welcome the support of my colleague Mr Gordon Lyons for this key move towards building a more normal way of working. Everyone in Northern Ireland wants to see this way of working, and, although this is not the

final step, it is an important step towards that normality.

I welcome Mr Alex Maskey's support. I reference his comments that he seeks for all parties that want to be included and involved should be included and involved. I also welcome his remarks that this should be a choice for some of the parties as opposed to their being forced to be included and involved. We have seen the outworkings of that uncomfortable relationship in the past.

As regards Mr Alex Attwood's specific questions, we acknowledge that there is a tension between the issues. It is difficult at all points to get a satisfactory conclusion that suits all purposes. We wanted to ensure that parties would have the opportunity to consider what the Programme for Government is, what has been negotiated and agreed, and to make a decision on whether they wanted to be in government in order to operate the Programme for Government. It may be the case, however, that there are political parties that have no intention of being in the Government of Northern Ireland and operating the Programme for Government. Instinctively, I think that there is a perversity about a party that has no intention of being in government negotiating a Programme for Government to be operated by the Executive. There is a tension within those issues, and we welcome parties' views. However, we certainly would not want to close off the opportunity to those who want to give it the best chance and perhaps feel that they could not sign up to what eventually comes out of the process of negotiation.

Mr Nesbitt: Will the Minister give way?

Mrs Pengelly: Yes.

Mr Nesbitt: How would you know that a party has no intention of taking its seat or seats? If a party withdrew at the point of running d'Hondt, could the remaining parties decide that they wished to redraw the Programme for Government and take out some compromises that may have been put in specifically to please the party that withdrew?

Mrs Pengelly: I agree with the Member that it would be difficult to prejudge those issues. It may also be the case that some parties will go into the election process being very upfront about the fact that they intend to go into opposition. If that were the case, that is the best way to assess it.

It would be a very strange situation if you had an agreement that is a compromise that the

parties negotiated and effectively signed up to, and one political party then decides, despite that fact and its input and seeing its work in the Programme for Government, that it will tactically or strategically disengage and want to go into an official opposition.

As I outlined, there is a tension between those issues. We want to provide a fair and equitable approach to everybody in relation to this. As I mentioned, we would welcome the views of parties on how to seek an effective way to address the tension between those issues.

Alex Attwood made a point about the change from seven days to 14 days. I am happy to confirm for him that there have been substantial discussions with the UK Government and that the Secretary of State proposes to publish a Bill in relation to these implementation issues very shortly.

Mr Attwood: Will the Minister give way?

Mrs Pengelly: Yes.

Mr Attwood: If a Bill is published soon, is there any indication of when it might be tabled and when it might be passed? Is that Bill to contain any other proposals other than a change from seven days to 14 days — in particular, going back to the point that I made recently, about any proposed change in relation to that clause about "confirming their intention" to enter into government? What are the clauses of that Bill likely to include?

Mrs Pengelly: I can advise the Member that the purpose of publishing the Bill will be to have that consideration about what is included, but the purpose is very much to implement 'A Fresh Start'. It will look at the issues that pertain to the responsibility of the British Government. There have been ongoing discussions, through a process of implementation, on the logistical side of that, which have been led by the head of the Civil Service. I am happy, if there are specific issues, to write to the Member in due course.

With the greatest respect to Mr James Allister, I think that most people in Northern Ireland would struggle to see that the bar of getting one ministerial seat was, in his words, particularly high; in fact, I think that most people would consider it to be quite low. I do not think that it is unreasonable that that is the bar that has been negotiated and agreed. In relation to the other issues that he mentioned, I am not sure whether the Member is familiar with the concept of compromise and agreement, but what is

presented in 'A Fresh Start' is a compromise and an agreement. By its very nature, we do not get everything that we want, and nor does anybody else. We come together for the good of the people of Northern Ireland to try to find a way through difficult and challenging issues, to get agreement in order to build a better and brighter future and ensure that these institutions, devolution and local government can exist for the people of Northern Ireland. That requires compromise and agreement.

Mr Allister: Will the Minister give way?

Mrs Pengelly: Yes.

Mr Allister: Those are very nice platitudes, I am sure, but what about addressing the question? If, after the election, when maybe it will take 11 or 12 Members to qualify for the Executive, there are 30-plus Members in the House who are incapable of qualifying for the Executive, does she think that it is right that there should, in those circumstances, be no provision for an opposition? Will she answer the question? When her party suggested last week that it would agree, in Mr McCallister's Bill, to reduce the threshold to 8% — in other words, nine MLAs — was she playing games, or is she wedded to 'A Fresh Start' and it is that or nothing? Can we have answers to those two questions, please?

Mrs Pengelly: Perhaps the Member does not understand the way that this works. I stand here today as a Minister in the Office of the First Minister and deputy First Minister, and I am responding to the debate as a junior Minister in the Office of the First Minister and deputy First Minister. I suggest to the Member that, perhaps, if he does not understand and he wants a party response, he should ask the party speaking as the DUP and not a junior Minister responding on behalf of the Department.

[Interruption.]

Mr Speaker: Order.

Mrs Pengelly: I have made it clear that I stand here today making it absolutely clear that we are presenting what is necessary to give rise and give effect to the Fresh Start Agreement, an agreement that was a compromise. It was an agreement between parties, and that is what we are honouring here today. The discussion that the Member is so eager to get into will take place in the midst of another debate that is ongoing at this time in relation to John McCallister's private Member's Bill.

I bring my remarks to a conclusion by thanking Members once again for their contributions to the debate — positive and otherwise — and for the questions and issues that they raised. I hope that I have been able to answer them to their satisfaction. 'A Fresh Start' has provided a basis for addressing a range of institutional reform issues relating to the Assembly, not the least of which is the important issue before us for debate today. However, we must move now if the matter is to be concluded by the end of the current Assembly mandate, and that requires that the motion before us be passed by the House. Therefore, I ask the Assembly to approve the motion today as yet another step towards normal politics here. I welcome that, and I believe that Northern Ireland will welcome it.

Question put and agreed to.

Resolved:

That this Assembly endorses the statement of proposed entitlements for an official opposition, as set out at appendix F4 of the Fresh Start Agreement; and calls on the Speaker to take forward the implementation of these provisions before the end of the current Assembly mandate.

Spring Supplementary Estimates 2015-16; Vote on Account 2016-17; and Supply Resolution for the 2013-14 Excess Vote

Mr Speaker: The next three motions relate to the Supply resolutions, and, as usual, there will be a single debate on the motions. I shall ask the Clerk to read the first motion on the 2015-16 spring Supplementary Estimates and call on the Minister to move it. The debate on all three motions will then begin. When all who wish to speak have done so or when the time limit is reached, I shall put the Question on the first motion. The second motion — the 2016-17 Vote on Account — will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion. After the Question has been put on the second motion, the third motion — the 2013-14 Excess Vote — will then be read into the record, and I will call the Minister to move it. The Question will then be put on that motion.

The Business Committee has agreed to allow up to four hours 30 minutes for the debate. The Minister will have up to 60 minutes to allocate at his discretion between proposing and making a winding-up speech. All other Members will

have seven minutes. If all that is clear, I shall proceed.

Mr Storey (The Minister of Finance and Personnel): I beg to move

That this Assembly approves that a total sum, not exceeding £15,770,704,000, be granted out of the Consolidated Fund for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that total resources, not exceeding £17,135,765,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 as summarised for each Department or other public body in columns 3(c) and 2(c) of table 1 in the volume of the Northern Ireland Spring Supplementary Estimates 2015-16 that was laid before the Assembly on 2 February 2016.

The following motions stood in the Order Paper:

That this Assembly approves that a sum, not exceeding £7,899,052,800, be granted out of the Consolidated Fund on account for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2017 and that resources, not exceeding £8,680,276,400, be authorised, on account, for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2017 as summarised for each Department or other public body in

columns 4 and 6 of table 1 in the Vote on Account 2016-17 document that was laid before the Assembly on 2 February 2016. — [Mr Storey (The Minister of Finance and Personnel).]

That this Assembly approves that resources, not exceeding £6,031,448.89 be authorised for use by the Public Prosecution Service for Northern Ireland for the year ending 31 March 2014, as summarised in Part II of the 2013-14 Statement of Excesses that was laid before the Assembly on 2 February 2016. — [Mr Storey (The Minister of Finance and Personnel).]

The Supply resolutions debate is a key element in the legislative process that governs our finances. The debate commencing this evening primarily covers the final spending plans for the 2015-16 financial year but also the first few months of 2016-17 through the Vote on Account. For today, I have tabled three Supply motions for debate. Through the first motion, I seek the Assembly's legislative approval of the Executive's final spending plans for 2015-16. As Members will be aware, these final spending plans are detailed in the spring Supplementary Estimates. The second motion requests interim legislative cover for resources and funding for the first few months of 2016-17 in the form of a Vote on Account. The final motion seeks the Assembly's approval of an Excess Vote for the Public Prosecution Service in respect of the 2013-14 financial year.

I request the levels of Supply set out in the motions under section 63 of the Northern Ireland Act 1998, which provides for the Minister of Finance and Personnel to make recommendations to the Assembly, leading to cash appropriations from the Northern Ireland Consolidated Fund. The amounts that I now ask the Assembly to vote in Supply for 2015-16 are substantial — some £15.8 billion in cash, £17.1 billion of resources and £2.6 billion of accruing resources.

8.00 pm

These amounts are to be used by Departments and other public bodies in Northern Ireland to deliver public services. As I mentioned in the first Supply motion, they relate to the spring Supplementary Estimates, which reflect all in-year changes made since the Main Estimates were approved by the Assembly last June. That includes any funding surrendered by Departments, allocations received or other technical transfers of funding proceeded through the monitoring rounds in this financial year.

(Mr Principal Deputy Speaker [Mr Newton] in the Chair)

That, of course, reflects not only departmental expenditure limit (DEL) changes agreed by the Executive during monitoring rounds but annually managed expenditure (AME) funding agreed by the Treasury since the approval of the 2015-16 Main Estimates. In that way, this legislation process simply ratifies budgets already agreed by the Executive.

When my predecessor, Mr Simon Hamilton, presented the spring Supplementary Estimates in the Assembly this time last year, he spoke of the difficult financial environment that the Executive had to deal with. He also spoke of the recently agreed Stormont House Agreement, which provided a sound basis on which to move ahead, not least on public finances. Unfortunately, as all Members are now well aware, the Stormont House Agreement unravelled in the months following my predecessor's speech. However, with the Fresh Start Agreement, we now have an agreed way forward, and I sincerely hope that this agreement will be honoured by all parties. We need to stand by and capitalise on this agreement to ensure that we continue to deliver for the people of Northern Ireland.

The Fresh Start Agreement reignited the plans for the Assembly to take on new powers to vary our rate of corporation tax. The Executive are now committed to a rate of corporation tax of 12.5% from April 2018. That is an important milestone and one that I believe can act as a powerful lever to transform the Northern Ireland economy. There is certainly a case to ramp up skills investment in the coming years to maximise the potential benefits associated with a lower rate of corporation tax. I also state my commitment to provide a further £20 million for skills after the May election. I am also supportive of an additional £20 million to help to address pressures in our schools. That will be funded from the first £40 million available in the next monitoring round in June. Although that allocation cannot be ratified until the incoming Executive consider their funding priorities, I am sure that they, too, will recognise the importance of the skills agenda and education. I believe that it is important to provide education institutions with this early indication of my commitment on extra funding.

The restructuring of our Departments was also confirmed with the Fresh Start Agreement. That will see the current 12 Departments reduced to nine from May 2016. That should help to rationalise our Civil Service and bring

benefits of a more streamlined delivery of public services. Fresh Start also paved the way for an agreed Budget for 2016-17 on the new nine-Department structure. That was ratified by the Assembly only last month. The departmental restructuring also has an impact on the 2016-17 Vote on Account, but I will say more on that later.

For now, I will return to the detail of the 2015-16 in-year changes, which are the focus of the debate. I reiterate this to Members as we embark upon the debate: that is what we are debating, and, no doubt, I am sure that Members will pay heed to that advice as we proceed through the rest of the evening.

We began the 2015-16 financial year with much uncertainty over our public finances due to the ongoing political discussions around the Stormont House Agreement. That uncertainty impacted on the normal in-year monitoring process, which usually consists of three monitoring rounds in June, October and January. In this financial year, the Executive agreed a technical exercise in June, which did not address the wider departmental pressures. The main purpose of this round was to ensure that technical transactions within and between Departments could take place to ensure the smooth functioning of government. The usual October monitoring round was also cancelled due to the ongoing political talks, although it was replaced by a monitoring round in November.

A key issue in this round was allocations to Departments from the public sector transformation fund to finance the voluntary exit scheme across the public sector. In total, just over £183 million was allocated to the Departments for the voluntary exit schemes, with more than half going towards the Northern Ireland Civil Service exit scheme. It is estimated that the voluntary exit schemes in the public sector will exit some 4,000 staff during 2015-16. This is estimated to generate pay bill savings of around £39 million this year alone, with full-year savings expected to be £149 million. Of course, the actual savings figures will not be known until the end of the financial year.

As Members will probably be aware, these voluntary exits were funded through additional reinvestment and reform initiative (RRI) borrowing, and there is an additional £500 million available over the next three years for this purpose, although the Executive agreed in its 2016-17 Budget to use £25 million of this towards capital projects.

With a significant number of public-sector workers leaving, business continuity planning will be critical. It is vital that we can continue to deliver essential public services in the context of reducing staff complements. I know that the Departments and the wider public sector bodies are working hard to ensure that this is the case.

The November monitoring round reallocated a significant amount of funding. There were reduced requirements on the resource side of £33 million and just over £20 million on the capital side. Funding was also freed up from the centre, not least from funding previously set aside for welfare mitigation measures. All of this meant that the Executive could make resource allocations totalling £87.4 million and capital allocations of £13.7 million. The bulk of the available resource funding — £47.6 million — went to the Department of Health to help reduce hospital waiting lists. There was also significant funding for the Department for Regional Development and the Department of Education.

Given that a reallocation exercise took place in November, the Executive agreed that the January round should be restricted to technical issues, again to allow the smooth running of government.

It should also be noted that the in-year monitoring process provided for a significant reallocation of ring-fenced financial transactions capital, with the Department for Social Development receiving some £94 million for housing schemes. I think that that was down to the previous Minister's work and lobbying on that issue.

All of these in-year movements have brought us to the position that I am presenting to the Assembly today in the 2015-16 spring Supplementary Estimates.

Before I conclude my opening speech, I would like to say a few words about the 2016-17 Vote on Account. As I have already highlighted, the second motion introduced today seeks approval to the issue of a cash and resource Vote on Account to ensure the continuation of services into the next financial year. The amounts of cash and resources proposed are an advance, which is necessary to enable services to continue into 2016-17 until the Main Estimates are presented to the Assembly for approval in June.

In normal circumstances, that advance would amount to 45% of the previous year's provision. However, this year's Vote on Account is complicated by the fact that the 12 Departments

will remain in place until May and be replaced by the nine new Departments after the election. There is a need to ensure that all 12 existing Departments have enough cash and resource cover to see them through until May when they cease to exist. Equally, the nine new Departments will need to have cover from early May until the Main Estimates and associated Budget Bill receive Royal Assent in July 2016. In particular, that will affect the nine Departments that will effectively continue to exist as new Departments post May 2016. The Vote on Account figures provided for each of the 12 Departments reflect that position and will be necessary to ensure that our Departments can continue to function until and beyond the restructuring to nine new Departments.

The final motion relates to an Excess Vote for the Public Prosecution Service. On 19 March 2014, a fair employment tribunal ruled against the Public Prosecution Service on an equal pay and indirect discrimination case. Owing to the timing of the case, the Public Prosecution Service was unable to bid for funding cover during any of the 2013-14 monitoring rounds. The necessity to make provision for those costs at year end breached the Public Prosecution Service annually managed expenditure budget allocation for 2013-14. The Assembly is now being asked to provide the additional resources — some £6,031,448 — through an Excess Vote. The Public Accounts Committee has recommended that the Assembly approve that.

In conclusion, I commend to Members the 2015-16 spring Supplementary Estimates, the 2016-17 Vote on Account and the 2013-14 Excess Vote. I look forward to a lively and informed debate and will endeavour to deal with as many of the issues raised by Members as possible.

Mr McKay (The Chairperson of the Committee for Finance and Personnel): Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I thank the Minister for his opening remarks and for his explanation of the spring Supplementary Estimates. It saves me doing the same.

I will make a quick personal comment. The Minister commented on corporation tax and 'A Fresh Start'. I am fully supportive of the Fresh Start Agreement, but I believe that we need a fresh start and a fair start. The Committee received a briefing on the latest developments with corporation tax. It is important to keep an eye on Scotland. At the moment, according to some newspapers, there is devolution deadlock on the funding proposals for further devolution to the Scottish Parliament. That comes down to

the rival interpretations of the no detriment principle that was contained in the Smith commission report. It is important for the Minister, the Executive and the Assembly always to keep a wee eye on Scotland and Wales. If the British Government at Westminster cede principles to any of the other devolved Administrations, we should be demanding the same fair deal for here. We know that there will be tax consequences from any reduced rate of corporation tax, and we need to ensure that we maximise the benefits of that to our coffers here in Belfast.

The Committee for Finance and Personnel took evidence from DFP officials on the SSEs for 2015-16 and the Vote on Account for 2016-17. Those are routine requirements, although, by necessity, they are quite technical matters. I thank the officials for their assistance to the Committee in that regard. During the evidence session, the Committee examined the reconciliation between the departmental expenditure limit figures in the Main Estimates Budget position and the SSEs Budget position before us today. It was an informative exercise, during which the Committee received helpful clarification from the DFP officials on the extent of the in-year technical changes to the resource and capital allocations for 2015-16 for a number of Departments. In some instances, the figures involved were substantial. I shall not go into the specific figures for individual Departments on the in-year movement of money. The DFP breakdown of the figures has been shared with the other Committees. Suffice it to note that almost £256 million was made in resource allocations and £143 million in capital allocations.

8.15 pm

As regards the in-year easements, roughly £343 million resource and £109 million capital has been released through the in-year monitoring process. When I questioned officials on that high level of easements, it was confirmed that the overall figure was higher than normal. However, the officials pointed out that that could be explained by the high amount of financial transaction capital (FTC) that needed to be allocated in year and also due to a resource reduction for student loans in the Department for Employment and Learning.

It is important for the Finance Committee to establish clarity on those significant technical adjustments as it exercises a cross-cutting scrutiny function in respect of Budget Bills. Moreover, the scale of these technical changes, combined with the cumulative changes resulting from the normal reallocations through

monitoring rounds, will, in some cases, have resulted in significant differences between the opening and closing resource and capital allocations of Departments. In that regard, it is vital that all Statutory Committees have satisfied themselves as to the reasons for as well as the timing of any significant levels of easements or returns of moneys during the in-year monitoring process.

In the scrutiny of the Department's input into the in-year monitoring rounds, I can report that, while the Committee received briefings from officials on the June and November monitoring rounds, no briefing was received in relation to any technical adjustments made during January. Therefore, the Minister might take the opportunity to clarify whether the Department made any adjustments here. As regards the motion relating to the Vote on Account, the Committee has noted that some flexibility has been provided for Departments particularly affected by the restructuring process.

Finally, I turn to the issue of the Excess Vote for 2013-14. The Assembly is being asked to approve this and make provision for costs as a result of a fair employment tribunal ruling against the PPS on an equal pay and indirect discrimination case. Members noted that, due to timing, the PPS was unable to bid for that during 2013-14. Therefore, the Assembly is now being asked to provide additional resources through the Excess Vote mechanism. The Committee is content with that, bearing in mind that the PAC also recommended it on 25 March last year. The Committee has approved accelerated passage for the Budget Bill, which will be introduced by the Minister later this evening.

I will make a couple of brief comments in a personal capacity. I am sure that all Members have read the large SSEs document. The new net provision maintains the significant budget of Invest NI in DETI. Of course, Invest NI does a lot of good work in attracting inward investment to the North, but there is a significant challenge that it needs to meet in Ballymena. The Minister will be aware of the rally in Ballymena on Saturday, which was organised by Unite. It highlighted starkly the work that needs to be a priority for Invest NI and the new Economy Minister. We in Sinn Féin will certainly continue to support the relief for manufacturing. I hope that all other parties will maintain that position. There needs to be a change in approach and tack to Invest NI's current position. We need to see a beyond Belfast strategy that secures more inward investment for the likes of Ballymena. We always hear that the rationale for the existing position is that most companies

are interested in Belfast and no further. I do not believe that to be the case. No good salesman or saleswoman would limit their sights in what they can —

Mr Principal Deputy Speaker: I ask the Member to conclude his remarks.

Mr McKay: — sell to inward investors. We will not be giving up on investment in Ballymena or the rural areas. We will not give up on manufacturing. We have a world-class manufacturing workforce that has a quality that trumps lower-wage economies. I would be interested to hear the Minister's comments on that as well.

Mr Ross (The Chairperson of the Committee for Justice): The Department of Justice faced substantial financial challenges in 2015-16, and that pattern is set to continue in 2016-17. It is therefore imperative for the Department to proactively identify new ways of working to improve the efficiency and effectiveness of the justice system and implement them swiftly so that the same or better outcomes are achieved for the public for less money.

As usual, the cost of legal aid was identified as the main funding pressure early in the 2015-16 financial year. In June, the forecast shortfall in funding was £23.9 million. That was revised downwards to £21.2 million in September and £12.5 million in November. By January of this year, the estimated shortfall was £5 million.

The reduced legal aid pressure is not due to any action taken by the Department to reduce the cost of legal aid. Rather, it is due to the deadlock between the Department and some members of the legal profession in relation to the current rates of legal aid remuneration for Crown Court cases. The result of some solicitors and barristers coming off record and initiating a judicial review followed by an appeal has been a substantial reduction in the volume of Crown Court cases heard during 2015 and early in 2016. That has resulted in a backlog of almost 800 cases. Therefore, when the situation is eventually resolved and the cases start to move through the system again, the Department will be faced with a very large legal aid bill, which will create an immense pressure on its budget. Given that it has been unable to live within the legal aid budget in normal circumstances in any year since the devolution of policing and justice and that bids for additional resources have consistently been made to the Executive, that is of great concern. The stalemate has been going on for far too long and needs to be addressed as soon as

possible. It is incumbent on the Department to engage with the legal professions to find a satisfactory resolution, and I urge the Minister of Justice to do just that.

Given the reduced pressure, the Department has been able to manage legal aid funding within its 2015-16 budget allocation due to a range of proactive savings and reductions in other areas, particularly from the PSNI, which committed to finding in-year budget cuts of 2.5% that provided savings of £22.6 million. That has meant that the Department has been able to fund all identified pressures and achieve a lower cost trajectory for any further reductions in baseline budgets in 2016-17.

The Police Service of Northern Ireland savings have been achieved largely as a result of capital investment in transport and accommodation, which has provided efficiencies, and a reduced number of police officers compared to the target figures, as recruitment is scheduled for 2016 rather than earlier in the financial year. Whilst the PSNI achieved those savings in 2015-16, its budget is still under considerable pressure, particularly given the need to maintain police officer numbers in line with the findings of the resilience review.

Whilst the decision to limit reductions to its core budget in 2016-17 to 2% and the provision of an additional £32 million for security funding from the Fresh Start Agreement are welcome, the police have outlined a range of likely impacts as a result of the 2016-17 budget allocation. The Committee will have an opportunity to discuss the PSNI budget and financial challenges with the Chief Constable when he appears in front of the Committee later this month. We will be looking to him to explore the options for availing of shared services as a means of reducing costs further in the PSNI budget.

Turning to the Vote on Account, the aims of the Department of Justice are, amongst other things, to prevent crime and reduce the risks of reoffending. The Committee met with the Minister of Justice last week to discuss the funding for voluntary and community organisations, particularly those that work with high-risk offenders in the community to reduce the risk of reoffending and help keep communities safer and that are delivering core services. The funding for such organisations is being reduced again in the 2016-17 financial year, and whilst the Committee appreciates the pressures faced by the justice budget, the proposed reductions are still a large decrease to relatively small amounts of funding.

Of more concern to the Committee is the fact that the reductions appear to have been decided without any proper assessment of the need for the services, the impact of the voluntary organisations reducing or being unable to provide the services and, if that happens, what the alternative delivery mechanism is and how much it will cost.

In relation to the 2015-16 budget, the Committee raised similar concerns and expressed the view that the closure or reduction of services provided by a range of voluntary and community organisations to address offending behaviour and provide support services to prevent or reduce the occurrence of reoffending and assist in rehabilitation would very likely result in increased costs elsewhere in the system, namely for the PSNI, the courts and, ultimately, the Prison Service.

The Committee believes that an approach to cutting spending that does not include a cost-benefit analysis and an analysis of the likely impact on, and cost to, other areas of the criminal justice system is a false economy and a flawed basis on which to proceed. The Committee continues to be concerned about the approach being adopted to reducing such budgets without proper analysis and discussion on the policy implications and the likely impact, and it will no doubt wish to highlight that as a key area to be scrutinised by the next Justice Committee.

Other areas of the budget that will require close monitoring include the Court Service and the Northern Ireland Prison Service. The Minister's statement to the Assembly earlier today outlined a number of court closures and the potential detrimental impact on court users and on the administration of justice, which, of course, the Lord Chief Justice has highlighted on a number of occasions. The Committee has concerns regarding the Minister's decisions, particularly in the absence of any plans to modernise court operations and improve the facilities that remain, which are already under pressure to cope with the volume of business.

The Committee has said, on many occasions, that the current court estate is not fit for purpose. Reducing the number of courthouses would, I think, strike some resonance with the public if there was additional money to upgrade the remaining courts, but that does not seem to be the case. Therefore, the public will find it difficult to see the rationale for closing courts for such a minimum saving.

In relation to the Prison Service, the difficulties, particularly with Maghaberry Prison, have been

well aired over the past months. There are clearly issues with staffing levels there, and the need to replace and refurbish accommodation has been ongoing for a considerable time. The capital funding provided for 2016-17 is welcome, but difficult decisions will still have to be made on what the priority projects will be.

Mr Principal Deputy Speaker, I will leave it at that point. I look forward to going into some of those areas in some depth tomorrow during the Budget debate.

Ms Hanna: I welcome the opportunity to take part in the debate as SDLP finance spokesperson and a new member of the Finance and Personnel Committee. The spring Estimates before us today are unique in these islands in that they are just a one-year Budget — and a one-year Budget that is being proposed by accelerated passage on the back of a partial two-party deal that has by no means got consensus in the House. I think that, procedurally, that represents a failure in the Budget system.

I think that this is the only governmental institutional on the islands that does not have an annual budgetary process, and we do not think that this system is serving Northern Ireland well. In part, that is why we voted against the 2011 Budget and the various subsequent adjustments. It is not, as many in the Chamber have tried to imply, that we are opposed to allocating money to Departments and the functions they perform but that we recognise the failures of the process. It does not mean that we do not want money to be spent in health, education and culture; we want more scrutiny over a Budget that is amounting to almost £16 billion. As we will debate further today and, again, tomorrow, at the Second Stage of the Budget Bill, we have a number of concerns with the allocations in the Estimates.

Obviously, we cannot blame the Ministers unreservedly in this regard, due to the long delay to get even partial agreement at Stormont House. We know that they were given very little time to bring forward their spending allocations to DFP. The almost inevitable result is that there are inconsistent increases and a number of unexplained cuts. In the period between the Main Estimates last year and the spring Estimates that we have in front of us, many allocations were not scrutinised by the relevant Committees. That diminishes the role of this body, and it diminishes the role, scrutiny and transparency that we are elected and paid to provide.

One worrying example that we notice is an increase in the OFMDFM support for government fund of £231,000, which takes it to £13.8 million. This means that we have allocated more money within OFMDFM to support government and administration than we have, for example, for the Victims and Survivors Service.

There is also £16 million for the Strategic Investment Board. During the debate last month, I listened to a Member opposite give a very strong defence of a £2 million project in his constituency that was funded by the Strategic Investment Board. So, this is not an attack, necessarily, on the work provided and carried out through funds like this. Rather, I am pointing out the need to have much greater transparency and scrutiny over amounts of that size.

Further, I think it is worthwhile to note that, in a climate of efficiencies across every public, private and voluntary sector body, the administration budget for OFMDFM has risen by 23% since 2012-13. We cannot consent to further administrative increases without knowing exactly what they are going to be used for. In the Finance and Personnel Committee transcript that I read, they are down as briefings and policy assistance. That is not enough detail.

I want to turn to the proposed SDLP amendment, which was not taken. We proposed to extract £880,000 from the OFMDFM government support silo —

Mr Principal Deputy Speaker: I ask the Member not to speak about an amendment that was not accepted by the Speaker.

8.30 pm

Ms Hanna: OK. I will address a suggestion that might be made to extract money from administrative support to put into delivery. The amount projected to be required to maintain funding for the Women's Centre Childcare Fund is £880,000. The fund was established in 2007 and is due to run out of money at the end of next month. The money currently allocated to administration in the Estimates could secure up to 100,000 two-hour childcare slots that would remove a financial burden from working families, help with child development through structured play and help more women back into the workplace. Instead, we have spent it on administration. OFMDFM is supposed to lead on a childcare strategy, but the Department has become a black hole: it is all input and very little

output. It is where strategies linger, consultations drag on and delivery is, in most cases, an eventuality, not a constant reality.

There are inconsistencies in areas other than OFMDFM. In DEL, there has been a substantial reduction in employment and skills funding and a significant cut in student support and postgraduate awards. I expect that there was an anticipated reduction in the student support required due to university places being cut, but we cannot understand the scale of the reduction. Much has been said in the Chamber and in Budget debates about the need to prepare properly for the much heralded reduction in corporation tax in 2018, but the SDLP has maintained that we have to invest properly in skills training if our workforce is to have any chance of aligning with the demands and needs of foreign direct investment and the new job opportunities that it could create. We recognise that there has been an extra allocation of £5 million for skills in the 2016-17 Budget, but the spring Estimates include a £10 million reduction in funding for employment and skills. These are contradictory points, and we cannot laud a £5 million increase while cutting £10 million. In skills investment, it is a case of robbing Peter to pay Paul.

In last month's debate, there was a good illustration of the point that we need more clarity on and scrutiny of the Budget. The education budget has been given an overall allocation of £1.9 billion but with little or no detail of where, how and why that will be spent. In an ideal world, we would trust the leadership and direction of a Department of that scale. However, when we look, for example, at the confused and discriminatory policy on teacher training redundancies, which means, we think, a short-term gain but a very long-term detriment, we are not content to sign that budget over without a more detailed breakdown of how the money will be spent.

There is the same lack of clarity on infrastructure. We were told that there would be £1.1 billion for the A5 and A6. We have seen where the £100 million up front from the Stormont House Agreement will be spent, but not how that shortfall will be made up. We asked about that in January and still do not have an answer. We are in a state of uncertainty and perpetual flux.

Mr Principal Deputy Speaker: I ask the Member to conclude her remarks.

Ms Hanna: Reducing the number of Departments from 12 to nine presents opportunities, but there are challenges as well.

We do not think that this budgetary process gives enough scrutiny or allows Members to properly challenge these budgets.

Mr Cree: Once again, we have the opportunity to address the Supply resolutions, which, as usual, are debated together. The Finance Committee has taken evidence from departmental officials in the last few weeks. The timetable is even tighter this year, and accelerated passage has been agreed. The Chairman covered much of the detail, so I will not go into the specifics of the Committee's work.

The Supply resolution seeks the Assembly's approval of the Executive's final spending plans for 2015-16 as detailed in the spring Supplementary Estimates, which include all the changes agreed at the monitoring rounds and are largely technical in nature. They require Assembly approval and are the final spending plans for the year. The figures in the Supply resolution and the Budget Bill are the same as those in the corresponding spring Supplementary Estimates. Both are routine requirements at this stage of the financial year to obtain legislative Assembly authority for spending resources and associated cash requirements for the revised 2015-16 position. The Vote on Account is needed to ensure that the flow of cash continues to Departments and authorises spending for the early months of the new financial year. It was around 45%, but I notice that that figure has been removed. Is the Minister satisfied that there is adequate cover until July 2016?

It is not an ideal situation when we have to approve a significant proportion of the Budget but are unable to scrutinise the detail. That problem and many others could be resolved by the adoption — I will try it one more time — and implementation of a modern financial process similar to the one that was approved by the House several years ago. Mr Principal Deputy Speaker, as you will remember, the Executive have still to make a decision on that. I feel like John the Baptist: a voice crying in the wilderness.

The Public Prosecution Service has an indebtedness of £6 million arising from an equal pay and indirect discrimination case in 2013-14. A Supply resolution for an Excess Vote is before us today and will have to be approved, but I want the Minister to clarify why, as the ruling was decided on 19 March 2014, it was not brought forward before now. I would have thought that it would have been dealt with some time in 2014-15.

I want to ask the Minister a few questions about the spring Supplementary Estimates. The voluntary exit scheme anticipated significant savings in the current year against the utilisation of up to £200 million, and the Minister touched on that. How successful has the scheme been? Has it achieved the planned target? Are the savings for the next Budget year secure? Are any further tranches included in the various Budget projections? I notice that there are two easements in his Department's figures from VES: is that correct? There are two in the table.

The Minister recently confirmed that no overcommitment was contained in the current Budget. I notice that there is a considerable amount of capital allocation in easements. As it is rather late in the year, is he satisfied that those will happen according to plan and that no moneys will be returned to the Treasury? Financial transactions capital of £96 million has been allocated to the Department for Social Development as an in-year change. Will the Minister assure the House that those are actual projects that will be carried out? FTC seems to be used like pass the parcel between Departments. The existing Budget recognised that investment in infrastructure was a key driver of economic growth, and £100 million was included for that purpose. It is difficult to see whether that money has been spent. Will the Minister confirm that, and, if so, did it achieve the planned result of providing direct economic benefits to facilitate growth?

I also notice that the Public Accounts Committee reported last week on two further Excess Votes in 2014-15 amounting to over £69 million. The Northern Ireland Assembly Commission breached its net resource limit by £950,000, and the Department of Finance and Personnel did so by £68.33 million. Will the Minister explain from which reserve that money was taken — indeed, if it has been paid — and when the motion for the Supply resolution will be brought before the House? He will remember that, at the final stage of this year's Budget, the Executive had set aside £133.2 million to cover increased costs arising from the revaluation of public-sector pension schemes. A reduction in the pressure of £10.7 million was obtained. Is the valuation of the pension schemes now correct, and did the £68.33 million that I referred to play any part in that matter? Pensions are a major cost, and we cannot continue to have unexpected additional charges each year.

Mrs Cochrane: I welcome the opportunity to speak on the 2015-16 spring Supplementary Estimates and the Supply resolution for the

2016-17 Vote on Account. As we approach the end of the mandate, it is a shame that we still have not moved on with the reform of the financial process and that the Finance Committee's report, which made many recommendations, seems to be gathering dust on a shelf somewhere. I will not dwell on that and will pay heed to the Minister's reminder to stick to the motions that are before us this evening.

Mr Cree said that he feels like John the Baptist: I feel somewhat like a parrot, in that most of my points and queries have been raised by others. Others have explained how, at this stage of the year, the Estimates include all the changes from the monitoring rounds and are largely technical in nature. Essentially, the spring Supplementary Estimates show how the Main Estimates have evolved through the year, and the Assembly must now give the final sign-off.

Others have said that the Vote on Account, which is needed to ensure that Departments have the authority to spend at the start of the 2016-17 financial year, normally provides 45% of what a Department needs to get through to the Main Estimates approval process in June. This year, however, it is slightly more complex, with the existing 12-Department structure in place until the transfer of functions order in May, when the nine-Department structure becomes a reality. The Vote on Account percentage this year has been increased to give sufficient cover and manage any anomalies should they arise. While it is not an ideal process, it is one that we accept because of the changing circumstances.

We also have the matter of the Excess Votes before us. It is not a position that any Department or public body would wish to find itself in. However, I understand that, due to the timing of an employment tribunal, the PPS was unable to bid for funding in those monitoring rounds and, as a result, breached its annually managed expenditure allocation. The Public Accounts Committee looked at that and recommended that this be approved, and Alliance is willing to accept that proposal.

The Alliance Party wants to see a prosperous, sustainable and ambitious society in which there is opportunity for all. Our Ministers voted against the Budget when it was before the Executive as they did not think that it was strategic enough to deliver our aspirations for Northern Ireland. In tomorrow's Budget Bill debate, I will take more time to lay out some food for thought on how we could make our Budget more effective. For now, however, I will support the mainly technical motions before us.

Mr McCausland (The Chairperson of the Committee for Culture, Arts and Leisure): It is a pleasure to speak as Chair of the Culture, Arts and Leisure Committee to make some initial remarks and subsequently to make some personal remarks as well.

The members of the Committee have looked at the budgets and have ongoing concerns about the adequacy of the finance for culture, arts and leisure. The Department is one of the smallest, and so is its budget, but we believe that it contributes much to the quality of life of people in Northern Ireland, to the sense of well-being, to health and to the economy and tourism. The Department covers areas of arts with the Arts Council; funding for the national museums and other museums; sports, through Sport NI; and languages. Members noted that there was pressure on budgets in a number of areas. There is a need for a dedicated art gallery and to redevelop Belfast Central Library, which is a regional library for Northern Ireland. They noted the inadequacy of provision at the Ulster Museum to display all the art that should be on display. They also noted, for example, that two vessels at the Ulster Folk and Transport Museum had been awaiting refurbishment for almost 40 years, so there are a lot of things that we see as pressures, and there is a concern about that.

Speaking in a personal capacity, I and, I think, most members of the Committee find it difficult to monitor and scrutinise the finances of the Department because of the way that it operates. The word "inescapable" has taken on a new definition. It normally means contractual commitments or a health and safety issue, but in the case of DCAL it seems to mean whatever the Minister wants it to mean. It reminds us a wee bit of the children's story where the character said, "Words mean what I want them to mean". There is also a large element of "ad hoc-ery" in the Department, whereby things are not really handled in a strategic way. That makes it difficult to monitor and scrutinise the finances and budgets. Programmes have been funded that have been neither advertised nor announced to enable applications to be made.

Mr McKay spoke about the need for a fresh start and a fair start. "A fair start" is a good phrase, but, sadly, it has been lacking in the area of culture, arts and leisure. We saw earlier this year the Minister carry out what can only be described as a smash-and-grab raid to fund her personal preferences and, in so doing, smash and grab money from long-established and well-performing arts organisations across Northern Ireland. Then, when there was an

outcry, we saw her backfilling that money with other money but still keeping the money that she had smashed and grabbed to fund her pet projects, such as her cultural programme and so on.

8.45 pm

The work of the Committee has also been heavily dominated by our inquiry into emergency exiting at Casement Park, which has taken up considerable time and raises concerns about budget lines in regard to the delivery of a stadium in due course. There are concerns about the difficulties faced by the Committee in monitoring and scrutinising the finance of the Department, and, speaking once again on behalf of the Committee, there is a concern about the adequacy of the funding for areas that are sometimes not given the recognition that they should be given. Those are the areas that are contributory to the well-being of society with sport and culture and the arts.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): I welcome the opportunity to address the House as Chair of the Committee for Health, Social Services and Public Safety. The motions, as is stated, deal with the moneys required by Departments for the remainder of the financial year and also the funds needed for the 2016-17 financial year.

We, as a Committee, sincerely hope that the Department of Health will be able to balance the books by 31 March 2016, despite the significant pressures that it faces and not incur an overspend, as was the case a couple of years ago. The motions today also look forward to the budgets for Departments for 2016-17, and the Committee welcomes the additional £128 million allocated to Health. However, even with that increase, the Department will face a difficult year of budgetary pressures. The cost pressures facing the Department continue to increase, year on year. They are roughly running at between 5% and 6% and are typically linked to pay and non-pay inflation, the costs of meeting the healthcare needs of an ageing population, and continued developments in healthcare technologies and treatments. That trend is expected to continue into 2016-17 and, indeed, beyond.

To meet those pressures and to supplement its baseline budget allocation, the Department is attempting to identify savings from trusts, from other arm's-length bodies, and from its own

administrative costs. From what we have heard, that will prove difficult, given the savings that have already been made in previous years.

Of key concern to the Committee is how the Department will allocate its budget for 2016-17 across a range of spending areas. Indeed, when officials were before the Committee in January, we directly asked them for information on the Minister's priorities. That information is crucial because, logically, spending decisions should be informed by ministerial priorities. However, officials were able to provide us with only a very broad-brush picture of the Minister's priorities. They told us that the Minister's

"overall aim and vision is to build a world-class health and social care service"

Who would argue with that? They said that he wants to:

"drive up the quality of health and social care for patients, clients and carers, to improve outcomes, to safeguard the vulnerable, and to ensure that patients, clients and carers have the best possible experience in every aspect of their treatment, care and support".

Those are laudable principles; nonetheless, there is no detail on a list of priorities. Nobody could disagree with those high-level objectives, but they provide us with absolutely no detail of how the £4.88 billion will actually be spent in 2016-17. The officials advised us further that the Minister's priorities would be set out in the commissioning plan direction for 2016-17 and, indeed, that a draft of it would be forwarded to the Committee by late January or early February. However, that document has still not been received by the Committee for its consideration. That is extremely disappointing, as the commissioning plan direction should be the key document in setting out the services that the Minister wishes to fund in the coming year.

For example, members of the Committee were very keen to hear how the Department will approach the significant waiting times for elective-care appointments. Officials again could not advise us how much money was going to be allocated to that; they said it would depend on what savings could be found in other areas. In the Committee's eyes, the rationale behind that approach is certainly not clear. Surely if something is a priority, the money should be allocated to it.

Committee members were also concerned that, in the areas where savings would be made,

there would be a tendency to look for quick savings, rather than taking a longer-term approach. For example, the Committee was firmly of the view that we did not want to see trusts cutting back on domiciliary care packages as a quick fix to balancing their budgets for 2016-17.

Key questions about the spending plans for 2016-17 remain unanswered — questions that are vital and of interest to Members, healthcare professionals and the wider community. Those are questions such as this: will a pay award be found for nurses within the 2016-17 budget?

To conclude, while the Committee welcomes the additional money allocated to Health, we remain disappointed at the level of detail available on how the Department's budget will be spent.

Mr Wells: First of all, I welcome that we have restricted time on this debate, because I have been here a very long time — I suspect that I have been here since before Ms Hanna was born — and every Budget debate in the 22 years that I have been here has involved a succession of MLAs standing up and pleading for more money for their pet project, their particular Department or some cause that they have been lobbied upon. I suspect that, today and tomorrow, we will have a succession of MLAs standing up and making a speech that, no doubt, will look wonderful in their local newspapers the following week but that will not actually add any light to the proceedings whatsoever.

If somebody stands up and says, "Yes, I want extra expenditure on x, y and z", they will never for one moment suggest where they feel that money will come from. The difficulty is — I do not envy the Minister's situation — that the Budget is fixed; it is allocated to us from Westminster. Whilst we can tinker round the edges in where it is spent, we cannot increase the quantum of that Budget. The actual number of sources that we as an Executive and an Assembly have to increase money are few and far between. Rest assured, if we did try to increase vehicle licensing testing, the regional rate, the charge for the MOT or whatever, there would be an outcry from those very same Members. Even if you doubled some of those sources of income, it would still be a drop in the ocean in comparison with the overall needs of Northern Ireland.

I believe that, as an Assembly, we need to mature. There is no sense in standing up and saying, "More money for my project", if you are not prepared to say where you want that money

to come from. We have been here 17 or 18 years in this Assembly's present format, and I think that we need to exercise a degree of maturity. I have seen this now from both sides. I have been banished to the Finance Committee, probably for the rest of my life, for some misdemeanour in the past or in a previous life, but it has not actually been as bad as I assumed it would be. It can be very interesting at times, and it gives MLAs an interesting insight into how budgets work and the pressures upon the Minister of Finance. I certainly found it interesting because I was there at the other side for a very brief period as the Minister of Health. During that period, we had to land the spaceship of expenditure in the DHSSPS on a postage stamp called a neutral budget, and we did it. We did not get any credit for it, but we managed to land a £5 billion budget within one percentage point in income, expenditure and capital. I was expecting at least an OBE for that, but it just did not come. I congratulate the staff who were able to achieve that. I could see from that just how difficult a process it was. Given that it was almost half the entire Budget for Northern Ireland, it was an incredibly difficult process.

We did not run back, cap in hand, to Mrs Foster or Mr Hamilton, or whoever the Finance Minister was, demanding more money; we had to cut our cloth accordingly. It was extremely interesting to see that process in action with such a huge amount. Therefore, I empathise with Mr Storey who is trying to do that with a figure that is slightly double what we had to deal with.

The voluntary exit scheme has been mentioned. I recall at the time when it was introduced that the unions said, "Our members will not be bought. They will not queue up for the money. Our members will be loyal to the Department, and they will not take it". My understanding is that there have been absolutely no difficulties whatsoever in obtaining volunteers coming forward in order to reduce the budgets of the relevant Departments and produce savings. That has been a success, and the savings will accrue in future years. Whilst there may be some concern about who has left and who has not, the reality is that that has been well worth pursuing. That is probably one of the very few instruments that we have to save substantial amounts of money, and it has been very successfully implemented to date.

So, I do not envy the Finance Minister Mr Storey's role at all. There will never be enough money to finance Northern Ireland's needs. It is an impossibility, but the people of Northern

Ireland will start to take us seriously when we start to take the really difficult decisions. After almost 18 years, maybe it is time that we sat down and had a look at ourselves and said, "What is best for Northern Ireland?" not, "What is best for my political party or my electorate?".

When we get the election in May out of the way, and we all come back, hopefully, with our substantial majorities, maybe we will feel that we can relax somewhat and start to make those difficult decisions, because we have been reared, to use an Ulsterism, under three decades of direct rule where we could call for the sun, the moon and the stars and blame the direct rule Ministers, confident that we would never have to take any responsibility for their decisions. Those days are over. Devolution is here and here to stay after many crises. Therefore, we are going to have to be much more mature as politicians and take the difficult decisions, and, maybe, come 6 May, we should start to do that.

Mr Ó Muilleoir: Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I am almost worried when I hear Mr Wells talk about how old he is because he is my generation, and if he is not mature by now, there may be a long wait ahead of some of the younger Members. I want to tease a few matters out with the Minister that we can come back to over the next number of hours, but, first, I welcome Claire Hanna to the Finance Committee as my new Deputy Chair. She was at the prayer breakfast in Washington last week praying for a financial bonus. It got mixed up, and the financial bonus was that they made you Deputy Chair of the Finance Committee, which may not be what you had in mind.

In the round, I think that we have taken some difficult decisions in this Budget because the money was not what we wanted. The Budget could not meet all the needs that we identified, and one area where I am content with the settlement, although I would like to see the money increased in the time ahead, is for the Department of Enterprise, Trade and Investment, where we have managed to set aside £170 million for Invest NI, which is a considerable amount of money to give it the ability to do the job that we want it to do, which is building the economy; £27 million for Tourism NI; £11 million for Tourism Ireland; and a smaller amount of £3 million for InterTradelreland. The latter two will be more than doubled; twice the money will come in from the South.

One of the questions that we need to ask in the time ahead, as we move towards trying to

harmonise corporation tax levels on the island and trying to make that affordable, and it is my conviction that we will be able to do that, is how do we give Invest NI the extra marketing spend to get the message out that countries, especially in North America, should come to this location for optimum investment. We will have to work very hard to prepare for the introduction of a reduced level of corporation tax by skilling up our people and trying to provide more funding for universities, but we also need to put that message out there.

I did not make it to the prayer breakfast, but I made it to Boston at the weekend for a breakfast addressed by Invest NI, and it remains the fact that, no matter how good we are at trying to change the narrative, there is a chasm between many people's perception of this place and the reality. The Minister will have to get his pencil out and put his thinking cap on as to how we give Invest NI that extra boost to their budget in the time ahead. I think that it will have to happen this year if we are going to do a job of selling corporation tax harmonisation in order to attract more investment.

9.00 pm

Mr Wells brought up another point that I would also like to tease out of the Minister. Can the quantum be increased? Having looked at the review of non-domestic rates, it is my belief that there are some who are getting a free ride, particularly in Belfast. I think of those who are sitting on derelict premises and those who are land-banking key sites in Belfast, such as the Sirocco site, which belongs to our friends in Cerberus. There are other sites across the city centre that we would like to see developed that speculators are sitting on. Of course, they pay no rates or taxes on those sites. That is something that we need to correct in the time ahead. The burden needs to be shared out. I look forward to engaging with the Minister and his successor on how exactly we do that.

If it is OK for small cafes such as Kaffe O on the Ormeau Road and the Arcadia deli on the Lisburn Road, or the Cambridge barbers, also on the Lisburn Road, to be carrying a fairly substantial rates burden, the large businesses — I think of the banks that own large sites across the city and of Cerberus and other equity funds — have to start adding to the quantum. We need to say to them that they need to put more money into the kitty and pay their way so that we can ease the burden on other people.

(Mr Speaker in the Chair)

In that respect, I read in the 'Belfast Telegraph' last week that the roof was being removed from Carryduff shopping centre in my constituency, which is, sadly, a veritable ghost town because it is being held by a developer who did not develop it. Of course, the roof being removed pushed out the last business, but, more than that, it is my feeling that parts of the roof were removed because you do not pay rates on buildings with no roof. If that has been done by the owner, it is a very cynical ploy. Our response to whoever is trying to game or play the system to avoid paying their fair share has to be to look at the system. We should say that, even if people take off the rafters to try to avoid their responsibilities and pay half rates for empty premises, we will make sure that they pay something and fulfil their obligations. I look forward to the rest of the debate tonight and tomorrow. I relish the opportunity to get into the issues.

Mr McGlone (The Chairperson of the Committee for Enterprise, Trade and Investment): Go raibh maith agat, a Cheann Comhairle. Mo bhuíochas fosta leis an Aire as an ráiteas a thabhairt os ár gcomhair. When I was listening to the debate earlier and heard all the references to age, I did not know whether it was the spring Supplementary Estimates or the spring chickens Estimates, but anyway.

The Committee received an oral briefing from DETI officials on the departmental budget at its meeting on 19 January. Officials informed the Committee that cuts to the Invest NI budget reflect a decrease in selective financial assistance in 2016-17 as a result of the impact of a reduction in allowable aid intensity, effective from July 2014. A bid to promote Northern Ireland in the light of the decision to devolve corporation tax was not met, and the Department is aware that that will be an added pressure to be addressed in Invest NI. Invest NI's budget has been cut by 7.1% from the 2015-16 baseline.

In many respects, this year's briefing from the Department was similar to the briefing that was received by the Committee on the budget last year. Last year, officials informed the Committee that the proposed Invest NI allocation meant that the organisation would have to scale back its targets. That was considered a key concern for both Invest NI and DETI, as around 93% of Invest NI's budget was already committed. That would have left little additional funding to attract new investment.

This year, the Committee was told that a significant amount of Invest NI's allocation

reflects existing commitments. Officials said that DETI will work with Invest NI to make sure that all commitments for existing agreed projects would be covered through the allocation. They said that DETI is working with Invest NI to ensure that there is an allocation in the budget that would allow it to enter into new commitments if and when they come forward. The Committee was informed that the coming financial year will be challenging for Invest NI and that, if there are new projects that Invest NI is not able to cover from within its budgetary allocation, funding would be raised through in-year monitoring and could be covered "if money was available".

The economy is the number one priority. We are trying to attract inward investment to grow indigenous businesses and create jobs. We will also have corporation tax devolved from April 2018. However, year on year, Invest NI's budget is cut, and officials have informed the Committee that it will have to scale back its targets and that new projects can be covered only if money becomes available. There is no funding available to promote Northern Ireland as a destination for inward investment in a low corporation tax environment. We need to start attracting those businesses now, not in two years after corporation tax has been lowered. We need to have them up and running in two years, actually creating jobs and benefiting from the new tax environment.

That leaves me in a position, as Chair of the Committee, where I have to ask the same two questions that I asked the Finance Minister last year. The Committee has been led to believe that there is a guarantee in place from the Executive — the industrial development guarantee — that no worthwhile proposal for eligible support to economic development or investment would be lost through lack of funding. Will the Minister provide firm assurances that, first, the budget allocation is sufficient to ensure that Invest NI will not have to scale back its targets, and, secondly, that the industrial development guarantee remains steadfastly in place? I would also like to hear the Minister's views on how Northern Ireland can be promoted as a business destination, following the announcement on corporation tax, without any additional funding to do so.

I welcome the announcement from the Minister of Enterprise, Trade and Investment that InterTradeIreland is to receive an additional allocation of £206,000 through January monitoring. When the Irish Government match this on a 2:1 basis, the result should be an uplift of £618,000 for the 2016 calendar year. Will the Minister confirm that this is the case? It

should be noted, however, that this still represents a cut to InterTradelreland's baseline budget, which has been cut by 30% since 2008. This has happened despite a high and growing demand for its services across the entire island of Ireland, and despite the good work of growing business and increasing exports that everyone recognises it to be doing. Further cuts to InterTradelreland's budget can probably be expected in coming years, as the starting baseline for its 2017 budget will be the original baseline for 2016, not the uplifted budget following the new allocation. This will create further uncertainty for InterTradelreland and, more importantly, will remove and diminish support for the small, growing and fledgling local businesses that rely on its services.

Officials informed the Committee on 19 January that North/South bodies such as InterTradelreland and Tourism Ireland can make bids in the usual way through monitoring rounds. However, with the need to receive match funding from the Irish Government, this could present difficulties because there seems to be no formal mechanism for allocating funding, North and South, through monitoring rounds to synchronise the effects. The Committee understands that InterTradelreland was able to avail itself of January monitoring because its budget is based on the calendar year and that this can be matched by the Irish Government in their 2016-2017 Budget. It is unclear, however — this is the challenge — whether there is a mechanism for match funding through other monitoring rounds. The Committee has commissioned some Assembly research into that, and I will ask the Committee to share that research with other relevant Committees because this will apply not only to InterTradelreland and Tourism Ireland but to all North/South bodies. We need to be absolutely clear about what these bodies can and cannot do to obtain in-year allocations, and subsequently resolve any problems that we identify.

Mr Nesbitt (The Chairperson of the Committee for the Office of the First Minister and deputy First Minister): I thank the Minister of Finance and Personnel for bringing forward the debate on these important issues. The Committee is normally briefed in advance of monitoring rounds, but because of the way in which the rounds took place this year, we had only one advance notice, which was for June monitoring. The updates on the November and January monitoring rounds, or technical exercises, did not come our way until January.

At the June monitoring, the Department declared an easement of £5 million capital for

the social investment fund (SIF), advising the Committee that £9.5 million would be sufficient for the commitments for the year. However, a further £7.2 million was returned in November, meaning that £12.2 million of the £15 million capital allocation for SIF had been returned in-year. Officials advised us that this was because the processes to bring projects forward take considerable time. We will continue our scrutiny in that regard in the coming year.

Of the £5 million easement declared for SIF in June, £3.2 million was reallocated to Together: Building a United Community (T:BUC) to provide funding for work towards creating the 10 shared education campuses, the removal of peace walls and the creation of urban villages. Allocations were made in respect of centrally held funds for T:BUC and Delivering Social Change (DSC) in June and further allocations in November and reallocations in January resulted in the full expenditure of £14 million for DSC.

OFMDFM incurred a 7% increase in administration costs, as the Member for South Belfast mentioned, between the opening position and November monitoring. During our briefing on 13 January, the officials advised that the Department has taken on a number of additional significant functions that require administrative support, such as T:BUC, Delivering Social Change and support for the historical institutional abuse inquiry (HIAI).

Committee members were informed that OFMDFM surrendered £1 million resource from the funding for the historical institutional abuse inquiry in the January monitoring position. The Committee sought assurances from the Department that, in future, the HIAI will continue to receive its required resource. At the meeting on 13 January, the departmental officials also addressed the 2016-17 Budget allocation for the new Executive Office. Unfortunately, a breakdown of proposed allocations in the Department and its arm's-length bodies was not available.

Members heard that the Department's key objectives will be to protect programme spend and ensure that the Department's statutory functions are protected. There may be further staffing reductions, but officials believe that these will be achieved through an ongoing embargo on the filling of vacant posts. Members heard that consideration will be given to individual factors affecting the Department's arm's-length bodies, including the extent of reductions to their budgets last year, the impact on statutory functions and the amount of underspend for each body.

While unable to give detailed breakdowns of allocations, officials confirmed that £5 million will be allocated to the historical institutional abuse inquiry and that the Department will meet extra costs should they be required. The inquiry chairman, Sir Anthony Hart, is considering the issue of redress to victims. However, officials advised that there will be no budgeting plans with regard to potential redress until after the inquiry report is finalised.

Officials confirmed that they expect the allocation of £6 million in capital funding to be spent on Urban Village projects, the Ebrington site and Maze/Long Kesh. Financial transactions capital (FTC) of £6 million has also been allocated, and that may be used to develop the Ebrington site, although it is not yet clear whether FTC can be used for that purpose — perhaps the Minister can enlighten us.

A number of funds will be held centrally, including £14 million resource and £15 million capital for Delivering Social Change and the social investment fund. A further £8 million will be held for Atlantic Philanthropies under the DSC agenda. Twelve million pounds resource is provided for 'A Shared Future' to deliver on the T:BUC strategy and, finally, £30 million for dealing with the past will be held until agreement is reached on how this issue is to be addressed. The Committee is now awaiting clarification on whether this funding can be carried forward should it not be fully utilised in the 2016-17 financial year.

I would now like to make some remarks in a personal capacity. I hope that I will please Mr Wells, as he exits, by not asking for money from somewhere for some sort of a project. In fact, I will do quite the opposite.

I suggest that, when we say that we are going to spend money, we actually spend it. The prime example is the social investment fund. As I said in my remarks as Chair, in this year 81% of the proposed capital allocation was returned, not spent. Indeed, if you look at the Programme for Government, you see that what the Executive promised was that people living in dereliction and deprivation and people living in poverty could expect the Executive to spend £80 million and have it all spent by the end of March last year. Actually, £1.5 million was spent, less than 2% of the budget. Pro rata, that is the equivalent of David Cameron saying to the people of England, "I am going to spend £2.4 billion on poverty". If he spent less than 2%, his backside would not touch the floor on his way out of Downing Street. It would not be

tolerable in London, Edinburgh, Cardiff or Dublin, so why is it tolerable in Belfast?

9.15 pm

Mr Wells: The Member knows that any money not spent in-year is returned via the monitoring rounds to other equally deserving projects. The £80 million he talks about was no doubt diverted into Health or Social Development for the alleviation of poverty or to some other needy cause. DUP Finance Ministers have been extremely adept at using monitoring rounds to meet the demands for essential services in-year, so the money has not been lost to the people of Northern Ireland; indeed, it has probably made a major contribution to the alleviation of poverty in Northern Ireland.

Mr Nesbitt: I thank the Member for his intervention. I admire his loyalty to the DUP Ministers, but I put this point to the Member from South Down: we promised people living in poverty that we had £80 million to spend on them, on their poverty, on their deprivation and on their dereliction and that we would do it in a given and published time frame. It was a horrible and a titanic failure, and a little humility might go a long way to restoring the public's faith in this devolved institution.

Very briefly, the other point is that Sir Anthony Hart has made it clear that he will recommend some form of redress for people who were subjected to institutional abuse. Let us remember that there were many people who were subjected to clerical abuse in non-institutional settings. This is a game changer for them. They need their own process, and I urge the Executive to give that urgent consideration.

Mr Speaker: I now call the Minister for Finance and Personnel to respond. You will be aware that you have a significant proportion of your allocated time available. It will be for you to decide whether you need it.

Mr Storey: Thank you Mr Speaker, and I thank you for giving me that bit of latitude on time. I am sure that there are a lot of Members watching this in their offices who will be delighted to know that I have more time because, I think, earlier on, they were taking wagers on how long I would take for my winding-up speech.

The process we are engaged in tonight raises a variety of issues. While I would not call myself a spring chicken, as I was referred to and as some of us were referred to earlier on, I have

been in the House long enough to realise that there are no systems that any Government have that are in any way perfect.

If Members would just pause for a moment and reflect on where we have come from as a society, they will see that Northern Ireland today is a different place. As someone who grew up in the Province and has enjoyed his 51 years living here, I realise and recognise that we are in a different place today. My colleague Mr Wells has left the Chamber, but he talked about maturity, and it has been referred to by a number of Members in the past: I think that we are making progress on that issue, but I have to say that there is a great sense of immaturity in parties that are in the Executive — in particular, on this occasion, I refer to the SDLP — voting against the Budget and allowing themselves to have the best of both worlds. Not only do they have the privilege of being in the Executive but they take for themselves the privilege of being in opposition. Really, it is time for the SDLP and others to be honest with the electorate. It will be interesting to see what happens when other parties in the House go to the polls in a few weeks' time. When they are asked at the doors, "Are you going to be in government or in opposition?", maybe political maturity will dawn, and they will at least have the honesty to tell their electorate what faces them.

Returning to the purpose for which we are here this evening, I thank the Members who have contributed and, in particular, those who spoke on behalf of their Committee. I pay tribute to the Committees, whose work indicates to the House the maturity that we have in our process. I was Chair of the Education Committee and, as I said in a previous debate, a member of the Finance Committee. My colleague Mr Wells seemed to think that being put on to the Finance Committee was retribution, but he should know that, when I was appointed Minister of Finance, I wondered whether that was some form of retribution. The Committees have done an immense job. I will not pick out an individual Committee because all have done a job of work. You have only to look at the amount of work that they do in the reports that they produce and the scrutiny that they give. That is to be welcomed, and, as Minister of Finance, I place on record my appreciation of that work.

I will now attempt to respond to the issues raised by Members during the debate. I want, first, to refer to the comments made by the Chair of the Finance Committee, Mr McKay, and say a word of appreciation and thanks to him and the Committee for their work and support during the process that brought the

motions before the House. Mr McKay referred to the January technical exercise and the moving of money by the Department. There were 36 technical moves between DFP and other Departments, and the most significant of those was £2.7 million to the Department for Social Development for the Strabane jobs and benefits office.

Mr McKay also referred to the challenge in manufacturing. Like him, I was present at the rally in our constituency on Saturday. I was glad to be there as a public representative. No one can overestimate the sense of loss in Ballymena as a result of the JTI and Michelin announcements. It is a reflection of the calibre of the people of Ballymena and the wider area that they have always risen to challenges and difficulties and have always endeavoured to ensure that, whatever comes their way, they face those difficulties with the fortitude that is at the heart of that community. However, we have to set what has happened in recent days in context.

I do not want in any way to lessen the genuine concerns expressed at the rally, but we have to set them in context. Northern Ireland manufacturing is rich in knowledge, skills and experience, and it is founded on a strong heritage.

It drives exports, research and development, all of which are key to generating wealth. We have seen those two companies do that in Ballymena. I would, however, say this: we need to be careful about the use of the word "crisis". While the focus has been on the big job losses — that is not to lessen them or in any way diminish their impact — it should be noted that some 830 jobs were added during the last quarter of 2015, bringing the total number of manufacturing jobs to over 80,000 for the first time since 2008. I might also refer, for example, to recent announcements, even in my constituency of North Antrim. In my home town of Ballymoney, McAuley Engineering announced some 87 jobs. Not far away, in Kilrea, Hutchinson Engineering made another announcement. We have also had some announcements from Lisburn. Of course, let us not forget what Ballymena has in Wrightbus and the help and support that it is continually given to ensure that it remains at the forefront of bus manufacturing. Local manufacturing output has recovered by almost 20% since its low point in the third quarter of 2009, almost three times the growth of UK manufacturing output over the same period. That sets some context for manufacturing.

The old saying "eaten bread is soon forgotten" is very true. Since the start of this Programme for Government in 2011, Invest Northern Ireland has provided a total of £254.6 million in assistance to manufacturing firms in Northern Ireland, more than to service-based businesses. That gives us some sense not only of the importance that is placed on manufacturing but of the challenges in manufacturing.

I move on to other comments made by Ms Hanna on the one-year Budget and related issues. Of course, the reason for that process is the electoral cycle. It would be unwise to agree a multi-year Budget when we are reducing the number of Departments in May. We have had to take a pragmatic and practical view, so that, when the House returns with a refreshed mandate, those Ministers and Departments will be able to set their priorities for the way they spend their money.

When I was in DSD, I made it clear that the childcare fund was a priority. I went to great lengths to have discussions with my colleague in the Department for Social Development, Lord Morrow, and I believe that the issue will be addressed. It is only right and proper that, until we have agreed the way in which the childcare strategy will be funded, we do not, as it were, pull the rug from under the feet of those who continue to make an invaluable contribution to the provision of childcare. I am quite confident that my colleague Lord Morrow will be able to deal with the concerns adequately.

Ms Hanna also raised concerns about the allocation of an additional £16 million to the Strategic Investment Board. I can assure the Member that this increase in financial allocation was subject to Committee and Executive scrutiny through the normal in-year monitoring process. There were two financial transaction capital allocations totalling £14.5 million for Queen's University Belfast, plus a £2 million allocation for the Urban Villages programme under Together: Building a United Community.

9.30 pm

The Member made reference to the detail in the Budget. Whilst the Budget document did not provide much detail on the Department of Education budget, as expressed by a number of Members, it is expected that this detail will be provided in the summary once the new Education Minister is in place after the May elections. Indeed, it is expected that all new Ministers will have an opportunity to reallocate their Budget allocations internally and that revised positions will be published thereafter. I

trust that this will provide the transparency that the Member is seeking.

She also rightly raised the skills agenda, which is an important issue. In the 2016-17 Budget, there was an allocation of an additional £5 million to the Department for the Economy for the skills agenda. As I have already said, I will support a further £20 million being allocated to the skills agenda in the June monitoring round on the return of the new Departments after the election. These allocations will go a long way to addressing the skills agenda.

However, I have to say to the Member that all this comes from a party that voted against a Budget. That party tells us what we ought to do in preparing for corporation tax but was not prepared to support us on the reduction of corporation tax. That highlights again the unfortunate situation that we find ourselves in in the House, where there are those who want to have their cake and eat it. They want to salve their conscience somehow that they have put it up to us. As Mr Wells referred to, they come into this House and tell the Finance Minister and every other Minister about their ills and shortcomings, but they have not been able to identify to the House or the electorate how they would spend the money differently, how they would deal with the political challenges and how they would deal with the crisis. Let us remember that there are parties in the House that had that opportunity when they were in the Executive and these institutions collapsed and collapsed and collapsed —

Ms Hanna: Will the Member give way?

Mr Storey: That is the difference between the current Executive and the one that her party was part of. Yes.

Ms Hanna: Tomorrow, we will outline that. Today, we are addressing the deficits and the failures in this Budget, as is appropriate when dealing with the spring Estimates. Tomorrow, we will set out some alternatives with the limited information. Does the Member agree that part of the reason for the failure in the initial years was that the two parties that are now leading the Executive did everything in their power to pull down and wreck the power-sharing institutions in the first two to 10 years of their existence?

Mr Storey: No, what my party was engaged in was ensuring that we got a fair deal and a better position to build for the future than an infrastructure that could not give us the stability that we now have. I will speak only for my own

party; it is up to others to say what they did. Let us remember that, while we have made progress, there is still much more to be done, but it is immensely better than where we were previously when we had the SDLP and the Ulster Unionist Party in power. Of course, the proof of that is that, in successive elections, the people of Northern Ireland have said who they prefer to have governing. I have no doubt that, come the election in May, the people of Northern Ireland will give their verdict yet again. As a democrat, I will accept their verdict because, ultimately, they are the people whom we are here to serve.

I welcome the fact that the Member is now on the Finance Committee. I trust that she will continue to make a positive contribution, along with her colleagues, and that, collectively, we will endeavour to bring to Northern Ireland days of better prosperity and better outcomes.

Let me move on to my friend, Mr Leslie Cree. One thing that you can always be sure about is that he will ask very specific and pointed questions. That is appropriate and right; it is what the process is about. He raised a number of issues, and I will try to go through them. If I do not cover them all, I promise that we will pick them up in Hansard and reply to you in writing. He made reference to the Vote on Account and said that he had concerns about whether there was sufficient cover. In order to ensure sufficient cover for resource and cash, it is necessary to increase the Vote on Account over some Departments. That is what we have done. It will help to minimise any risk of Departments running out of cash in the first part of the 2016-17 financial year. That is an issue. I appreciate the concern that he has. That is why it has moved from somewhere in the region of the 45% that we would normally have to nearer 69% or 70%. We have to have a degree of flexibility. We appreciate that there will be a greater demand in some Departments, given the nature of the business that they are engaged in. However, we have it adequately covered. I am reasonably confident about what we have done in that regard.

He made reference as well to the delay in bringing forward the PPS and the 2013-14 Excess Vote. That was also raised by some other Members. I will take some time to set that in context. The fair employment tribunal did not announce its judgement until 19 March 2014. That meant that the PPS was unable to secure the required funding through in-year monitoring, and thus it breached its budget provision for 2013-14. As per the process, the PPS wrote to DFP Supply and the NIAO to notify them of the breach. A breach of any of the budgetary

control limits or the cash limit results in the need for expenditure to be regularised through the Assembly Excess Vote process. The Public Accounts Committee scrutinises the reasons behind each Department's excess of allocated resources and reports to the Assembly on whether it has any objections to making good the reported excesses. Once the Committee has reported, a Statement of Excess will be presented to the Assembly to be voted into the Budget Act. The passing of that Act authorises the additional grant by the Assembly to regularise the excess incurred by the Department.

The Public Accounts Committee completed its report in March 2015 and recommended that the Assembly agree the additional funds. Following that, DFP Supply put forward the Excess Vote to the Assembly, and so the 2015 spending review announced by the UK Chancellor on 25 November 2015 set out the Government's long-term economic plan in relation to that. I trust that we have covered the rationale as to why it was necessary for us to do it in that particular way.

Mr Cree raised an important point about the Northern Ireland Civil Service voluntary exit scheme (VES) and asked about the benefits that can be delivered through it. I assure the Member that the objective of the exit scheme is to deliver an immediate and permanent pay bill reduction that is necessary to allow Departments to live within their 2015-16 Budget allocations and beyond. The scheme business case estimated a reduction of about 2,551 full-time equivalent posts, which is about 11% of posts in the Northern Ireland Civil Service, delivering a pay bill saving of about £94 million a year. I think that that is a significant amount of savings. I pay tribute to all those who have been involved in the process. It has been challenging, and I am well aware of the challenges that there have been. I have to say, however, that I have been pleased by the very small number of issues that have been raised. Obviously, in a process like this, when you are dealing with a considerable number of people, you will find that particular issues are raised from time to time. However, in the overall scheme of things, having got to where we now are and having had this success, I think it is something to be welcomed. To have the £94 million a year pay bill saving is of benefit to the overall financial position of the Executive.

He also raised the Budget exchange carry forward and the financial transactions capital. As always, we aim to remain within the Budget exchange scheme limits, and, this year, those amount to some £59.5 million for the resource,

£9.6 million for capital DEL and £1.9 million for financial transactions capital. I confirm that all the financial transactions capital has been allocated and that no funding will be returned to Her Majesty's Treasury.

Let me move on to the issues that were raised by the Chair of the Health Committee. She raised a number of issues on the detail of the Health budget, and while I will not attempt to respond to all the issues raised, I assure her that my colleague the Health Minister and I agree that our staff in the health service are our greatest asset in delivering health and social care. I think that goes without saying, but it needs to sometimes be rehearsed and reiterated because, in the midst of all the toing and froing that goes on in the Chamber and in the public debate on our health service, we could easily lose sight of the importance of our staff and the service that they deliver to us as a community and as the people of Northern Ireland on a day and daily basis.

While the Health Minister fully recognises the hard work and contribution to health and social care of all staff, his first priority is to protect front-line services and ensure that they are properly staffed to secure the provision of safe and effective services. I believe that the Health Minister made a statement to the House on 8 January 2016 setting out the 2015-16 pay award for health and social care staff. That will allow for a 1% non-consolidated payment for staff at the top of their pay band and an average spine point rise of 3.7% for those not at the top of their pay band. Salaried doctors and dentists at the top of their pay band will also receive the 1% payment.

The Health Minister is aware of the RCN decision to ballot its members in Northern Ireland for industrial action, and he is, of course, disappointed by it. While the right of members to take industrial action is fully recognised, it is regrettable that we get to the stage of industrial action on these issues.

Reform across the health service and the social care services is ongoing, and I remind Members that Transforming Your Care is not about reducing our investment in health and social care services; it is about making the best use of the resources that are available to us.

That leads me on to the comments that were made by my colleague Mr Wells, who gave us all a reality check. We have to live within our means. As Finance Minister, I would like to be in the position to give more resource to Departments. However, we have to recognise that, as a devolved Administration within the United Kingdom, we are the recipients of what

comes to us from the Government at Westminster. We have to then make choices.

When speaking to some at the rally in Ballymena on Saturday, I said that we all will have to live with the consequences of our decisions. I have no doubt that there are decisions that parties will have advocated and been seen as the champion of, but on which, in the cold light of day, they would have preferred to have made other choices. However, we are all subject to the choices that we have made, and we, therefore, have to live within the means that are at our disposal.

9.45 pm

I have to say that Mr Wells has a better prospect than Mr Cree. Mr Cree made reference to the fact that he thought that he was maybe John the Baptist. I remind Mr Cree in a very friendly way that John the Baptist was beheaded. I trust that that is not the fate of my friend Mr Cree.

I move now to the comments of Mr Ó Muilleoir. I welcome those comments; I will come on to some of them in a minute or two, particularly those in relation to Invest NI. Let me deal with the business rates review, first. The Member raised the issue of the business rates and an issue that, for many of us, is always prevalent in our constituencies — derelict sites. My Department is engaged in a comprehensive review of the area, which was the subject of a 12-week public consultation process. The consultation lasted for a period of 12 weeks up until 25 January, but I said that I would not be prescriptive about that if other comments came in after that. During that time, we have sought the views of interested parties and invited them to provide their views on the future direction of business rates in Northern Ireland. The review has been wide-ranging. The aim is to focus on how best to raise revenue from the business community in Northern Ireland. It will include consideration of the current system of rating relief and exemptions. My Department is also keen to understand whether there are any other forms of taxation that could be used to replace or supplement a portion of the revenue that is currently raised from the rates. That debate has commenced. We have had a number of public events at which views have been expressed. This is not a vain, empty consultation process; it is a genuine attempt to ensure that we get the best possible outcome and an agreed process on that issue. It is important that we get an agreed way forward to deal with an issue that is prevalent in our constituencies.

The Member also raised the Invest Northern Ireland budget. He welcomed the budget that was available to Invest. I share the Member's views that that is money well spent. Invest Northern Ireland's 2015-16 mid-year performance update highlighted the outstanding progress that was made, with the agency on course to exceed the majority of its corporate plan targets by 31 March 2016. The Member will also recognise that skills investment is vital to our economic development and note that, in addition to the additional £5 million that was made available to the new Department for the Economy as part of the 2016-17 Budget process, a further £20 million will be made available for the area as part of the June monitoring round. Of course, he made reference to the ability of Invest to be able to market and promote. I would be very sympathetic to looking at that element of the Invest budget for promoting, particularly in relation to being prepared for the introduction of corporation tax.

On that issue, the Member will be aware that, in his constituency today, I had the pleasant opportunity to make an announcement regarding the investment that has been made by Alert Logic, in what is a growing portfolio of global ICT firms choosing to establish their offices here in Northern Ireland. The company is expanding. Its decision to locate in Northern Ireland will contribute a total investment of £3.9 million into the local economy. Of those 88 jobs, 30 people are already in post and the remainder will be in post by the end of 2017. That has been done and delivered by Invest NI prior to the introduction of reduced corporation tax. Let us remember that the average salary of those who will be employed is £44,000, contributing, as I said, nearly £4 million annually in salaries to the local economy. That is success in another growing element of the economy. Invest NI needs to be given every encouragement and support to continue the good work that it has done.

Let me turn to the comments made by the Chair of the Committee for the Office of the First Minister and deputy First Minister. He referred to the fact that funding had been returned to central funds during the monitoring round. That is exactly the purpose of the monitoring rounds; to reallocate funding. It ensures that no funding is lost and that we make good use of all our resources. I know that he raised particular issues as to why certain things were not achieved. However, with regard to overall control of the budgetary process, these monitoring rounds are important. There are issues that we need to ensure that we keep

constantly under review. I heard the comments about the process of looking at the overall way in which the Budget is delivered to the House and through the Assembly. Monitoring rounds are an important element of what we do so that we can re-evaluate, recycle and reallocate the resources that are available to us.

Therefore —

Mr Lyons: Will the Member give way?

Mr Storey: I will give way, yes.

Mr Lyons: The Minister has been talking about the importance of monitoring rounds. They are very important and have been in previous years when there has been an overcommitment in the Budget. Surely it is worth mentioning that this Budget is balanced; there is no overcommitment and that gives us even more scope in monitoring rounds to give money to those Departments that are in need.

Mr Storey: I thank the Member for his comments. Obviously, I am endeavouring to do what I can to ensure that that is the case.

As I conclude, I remind Members of this: had we not got to the place where we now are with the Budget process, many Members in the House would not be here today. In fact, I doubt whether there would be devolution. I think that we would have seen the process come to end. However, good sense prevailed, and we have been able to find ourselves in the position that we are in today.

I want to thank —

Mr Nesbitt: I thank the Minister for giving way. I just want to assure him that I am as glad as he is that we have monitoring rounds to ensure that moneys that cannot be spent for whatever good reason are not lost. Would he express any regret whatsoever that 98% of the social investment fund was not spent in the allocated time as defined in the Programme for Government?

Mr Storey: I thank the Member for that. Obviously, I would like to see processes in place so that, when money is allocated, we are able to deliver what the allocation was for. However, with regard to the particular issue of SIF and the challenges that there have been, sometimes those challenges are not always within the control of the Executive or sponsoring Department with responsibility for particular amounts of money. Unfortunately, we then find ourselves in situations where planning issues

and other practical issues come along that become an impediment and a hindrance to the way in which we would have originally intended the money to be spent.

I share the Member's concern, and I have to say that all Departments need to make every effort to have the allocations delivered in the budgetary framework we have set. However, I will put in the caveat that that is sometimes not possible because of other pressures that are brought to bear from without in trying to deliver these issues.

I have been in some areas recently to see the moneys that have been delivered to projects, and it has been worthwhile to see some of them on the ground. SIF has made significant progress, with commitments in the region of £58 million, and 25 projects have been delivered and are now well under way. If you go to the areas where those projects are being delivered — I am sure that the Member has visited some of them — people will tell you about the benefit they see as a result of the money that has come from government.

I will bring my remarks to a conclusion. I ask Members to support the motions on the 2015-16 spring Supplementary Estimates, the 2016-17 Vote on Account and the 2013-14 Excess Vote.

Mr Speaker: Before we proceed to the Question, I remind Members that the vote on the motion requires cross-community support.

Question put and agreed to.
Resolved (with cross-community support):

That this Assembly approves that a total sum, not exceeding £15,770,704,000, be granted out of the Consolidated Fund for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2016 and that total resources, not exceeding £17,135,765,000, be authorised for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public

Prosecution Service for Northern Ireland for the year ending 31 March 2016 as summarised for each Department or other public body in columns 3(c) and 2(c) of table 1 in the volume of the Northern Ireland Spring Supplementary Estimates 2015-16 that was laid before the Assembly on 2 February 2016.

Mr Speaker: We now move to the motion on the Vote on Account, which has already been debated. I remind Members that this vote also requires cross-community support.

Resolved (with cross-community support):

That this Assembly approves that a sum, not exceeding £7,899,052,800, be granted out of the Consolidated Fund on account for or towards defraying the charges for Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2017 and that resources, not exceeding £8,680,276,400, be authorised, on account, for use by Northern Ireland Departments, the Northern Ireland Assembly Commission, the Assembly Ombudsman for Northern Ireland and Northern Ireland Commissioner for Complaints, the Food Standards Agency, the Northern Ireland Audit Office, the Northern Ireland Authority for Utility Regulation and the Public Prosecution Service for Northern Ireland for the year ending 31 March 2017 as summarised for each Department or other public body in columns 4 and 6 of table 1 in the Vote on Account 2016-17 document that was laid before the Assembly on 2 February 2016. — [Mr Storey (The Minister of Finance and Personnel).]

Mr Speaker: We now move to the motion on the Excess Vote, which has already been debated. I remind Members that this vote also requires cross-community support.

Resolved (with cross-community support):

That this Assembly approves that resources, not exceeding £6,031,448.89 be authorised for use by the Public Prosecution Service for Northern Ireland for the year ending 31 March 2014, as summarised in Part II of the 2013-14 Statement of Excesses that was laid before the Assembly on 2 February 2016. — [Mr Storey (The Minister of Finance and Personnel).]

Budget Bill: First Stage

Mr Storey (The Minister of Finance and Personnel): I beg to introduce the Budget Bill (Northern Ireland) 2016 [NIA 77/11-15], which is a Bill to authorise the issue out of the Consolidated Fund of certain sums for the service of the years ending 31 March 2016 and 2017; to appropriate those sums for specified purposes; to authorise the Department of Finance and Personnel to borrow on the credit of the appropriated sums; to authorise the use for the public service of certain resources for the years ending 31 March 2016 and 2017; and to revise the limits on the use of certain accruing resources in the year ending 31 March 2016.

Bill passed First Stage and ordered to be printed.

Mr Speaker: I am satisfied that the Bill is within the legislative competence of the Assembly, and I can inform Members that confirmation has been received from the Chairperson of the Committee for Finance and Personnel, in accordance with Standing Order 42(2), that the Committee is satisfied that there has been appropriate consultation with it on the public expenditure proposals in the Bill and that the Bill can, therefore, proceed under the accelerated passage procedure.

10.00 pm

Health and Social Care (Control of Data Processing) Bill: Final Stage

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I beg to move

That the Health and Social Care (Control of Data Processing) Bill [NIA Bill 52/11-16] do now pass.

The main purpose of the Bill is to provide a clear, statutory framework with robust and stringent safeguards that will enable the use of Health and Social Care information that identifies individuals to be used for health or social care purposes that are in the public interest. The Bill will allow the potential benefits of using information to be realised, while safeguarding the interests of the individual, the health and social care sector as guardians of the information and information users. It will enable my Department to establish a robust, transparent and open process that will ensure that information is shared in very limited and strictly controlled circumstances for health or social care purposes that are clearly in the

public interest. Any use of information must also still comply with the requirements of the Data Protection Act 1998 and the Human Rights Act 1998. In bringing forward the Bill, I seek to remove the ambiguity that surrounds the use of information for purposes other than direct care and, in so doing, safeguard the patient, their information, the health and social care sector and the information user.

During the passage of the Bill, I was greatly encouraged by the welcome given to it by individuals and organisations. The Bill has attracted widespread support, and it is maybe worthwhile reminding ourselves of some of the views expressed. This is a significant opportunity to secure the continued future of two key registers — the Northern Ireland Cancer Registry and the Cerebral Palsy Register — within a robust legal framework. It is imperative that this primary legislation is passed so that the true burden of health and social care can be captured and planned for. This will enable the work of monitoring cancer to continue while supporting research into the causes and outcomes of cancer. It will enable benchmarking of our care and survival nationally and internationally and, ultimately, improve care for patients.

Northern Ireland is excluded from participation in national audits due to a lack of a legislative framework for secondary users of data. As a result, it is not possible to compare healthcare outcomes in Northern Ireland with those in other nations. These positive messages of support mirror the response to the public consultation exercise that was undertaken during the summer of 2014, when 94% of respondents indicated that they agreed with the Department's proposals to introduce the legislation. That widespread support has been very encouraging to me during the passage of the Bill, and I thank all who took the time to contribute to the debate as the Bill made its way through the House.

Ms Maeve McLaughlin (The Chairperson of the Committee for Health, Social Services and Public Safety): Go raibh maith agat, a Cheann Comhairle. On behalf of the Committee, I welcome the Final Stage of the Bill.

The objective of the Bill, as the Minister has outlined, is to provide a clear, statutory framework for sharing identifiable information for secondary uses. The Committee is content that, after having gone through the amending stages, the Bill will meet that objective. Most importantly, it will have stringent safeguards that will go a long way to protect individuals'

information and privacy and ensure that those who have access to such information do all that is required of them to process it properly and, indeed, protect it.

This Bill has been significantly improved and strengthened by the amendments that the Health Committee persuaded the Department to make and by the two substantial amendments that the Committee itself made. I thank the Minister for his cooperation and approach and for taking the majority of the recommendations from the Committee on board.

A number of amendments that were made deserve particular mention because of their significance in making the Bill a more robust piece of legislation.

One of the main issues for the Committee was the definition of "public interest". Stakeholders and members agreed that the definition was far too wide. The Bill, as introduced, appeared to give the impression that two separate issues were going on: processing information for health and social care purposes and processing information that was in the public interest. The Committee was particularly concerned about the potential for sharing information on the grounds that it was in the public interest without any health or social care purpose. The Committee raised its concerns with the Department, and, in response, the Department proposed an amendment to make it clear that sharing would not be permissible solely on the basis of public interest; rather, all uses must be connected to a health and social care purpose.

The Committee and stakeholders also had concerns about the breadth of the term "social well-being", which cannot be easily defined. The Committee wrote to the Department to ask whether it would be prepared to remove the term "social well-being" and replace it with "social care", which is already defined in the Health and Social Care (Reform) Act 2009. The Department proposed the amendment, which, again, was very much welcomed by the Committee.

Throughout Committee Stage, members raised significant concerns that the Bill did not provide a mechanism to allow individuals to opt out of having their personal information shared for secondary processing purposes. It was the Committee's view that there should be a robust and clear mechanism to allow people who do not want that information shared in any circumstances to have that wish complied with. The Committee tabled an amendment to put opt-out provision in the Bill. Although the

Minister was not prepared to support the Committee's amendment at Further Consideration Stage, he made a commitment that the Department would work with the Committee to strengthen opt-out provisions via secondary legislation. The Committee's amendment, however, means that the authorising committee established by the Bill will not be able to authorise the processing of a person's confidential information if the person has opted out.

Important amendments were also made about the authorising committee, which is the committee that is now established to authorise the processing of confidential information. The Committee was firmly of the view that the establishment of the committee should be mandatory. Members felt that that safeguard was of the utmost importance in ensuring that confidential information was protected and that due process was followed when applications were received and considered. The Committee was also concerned that the regulations to be made by the Department under the Bill did not have to specify that a person's confidential information could be processed only if authorisation was granted by the authorising committee. Given that the authorising committee is one of the safeguards now built into the Bill, this was a very important point. The Committee wrote to the Department asking it to remove any ambiguity and to strengthen the safeguard through an amendment that would mean that information could be processed only if it was authorised by the new authorising committee. The Department did just that, and, as a result of the amendment, the authorising committee safeguard has, in our view, been suitably strengthened.

Other important amendments related to the code of practice, about which the Committee had particular concerns. The Bill, as introduced, required bodies to have "regard" to the code when carrying out their work. The Committee felt strongly that the code had the potential to be a more robust safeguard against the unlawful processing of information and that it should be strengthened. We wrote to the Department outlining those concerns, and, as a result, the Department proposed an amendment that would require bodies to have "due regard" to the code. The Committee, however, felt that the code could be strengthened even further by providing that a court or tribunal may take into account a breach of the code in any proceedings that it considers relevant. The Department was not prepared to support the amendment, but the strength of feeling in the Committee was such that it decided to table the amendment itself. We

believe that, with the Committee's amendment, the code carries more weight, and the deterrent against breaches has been increased.

I conclude by saying that the Committee is pleased to see the Bill come to Final Stage. I thank the stakeholders who engaged and the staff, who worked diligently. The sharing of confidential personal information is a significant public issue, and the Assembly can congratulate itself on getting the Bill onto the statute book.

Mr Easton: I rise to speak on the Final Stage of the Bill and aim to be very brief. Overall, the Committee worked well together on the Bill and found common ground on the vast majority of it. It also worked well with the Minister and the Department, although amendment No 8 proved rather challenging. The aim of the Bill is to provide a clear statutory framework that will enable the use of health and social care information that identifies individuals to be used for medical or social care purposes that are designed to benefit health and social care or achieve some other tangible benefit that might reasonably be described as being for the public good.

The Bill will enable regulations to be made that establish a process that will ensure that information is shared only in very limited circumstances that are proven to be for medical or social care purposes and will benefit health and social care or achieve some other tangible benefit that might reasonably be described as being for the public good. The Bill will impose conditions on the use of the information and include penalties for those who fail to comply with it. That will protect the service user, the holder of the information and the individuals or organisations applying to use it by establishing a clear and unambiguous framework to govern the secondary use of information. There was also an amendment on an opt-out system, and the Committee looked at removing all ambiguity from the Bill. All in all, the Bill was well supported by the Committee.

Mr McKinney: I welcome the opportunity to contribute to this important final debate on the Health and Social Care (Control of Data Processing) Bill and do so as health spokesperson for the SDLP and as a member of the Health Committee, which, as you have heard, considered the Bill in detail and received a number of briefings from the Department on amending the legislation.

The SDLP supports all measures and actions undertaken to ensure that the provision of health and social care services is the best that it

can be and that patients receive the most up-to-date and effective treatment for their illnesses. Disclosing patients' data can improve diagnosis and treatment outcomes, but that can only be welcomed when effective checks and balances are provided where consent is not expressly given.

We must acknowledge the work of all the clinicians and others involved in medical research and clinical audits, and I put on record our appreciation of their invaluable work in improving health outcomes. It is important that we look at ways of building systems and devising ways of working that meet the standards in services that clinicians, researchers and the public expect. It is through engaging with many clinicians and charities on today's Bill and in considering the invaluable work undertaken by the cancer registry at Queen's, mentioned by the Minister, and, indeed, other disease registers that it has become explicitly clear that there is a need for change. The disclosure of patient data without the patient's consent is governed currently by common law, involving a public-interest test as part of the duty of confidentiality. It is clear, however, that that alone is not enough. We have seen England and Wales move to close the legislative gap, and I am glad that we, too, have now reached the Final Stage of this Bill.

It is important to take the opportunity to commend all those involved in bringing forward today's Bill. It has been an arduous task, as other Members said. We must thank all the stakeholders and departmental officials who have engaged and consulted with the Committee — they deserve recognition.

As has been outlined, I and other colleagues raised issues where we felt that the Bill fell short in offering that equitable level of safeguarding and protection for patients whose data may be shared without their consent. I am glad that the Minister and the Committee tabled amendments aimed at addressing those concerns. A major issue with today's Bill concerns the definitional problems that could have afforded, as described, a wide margin that could lead to the potential for the commercialisation of patients' data. Those issues, too, were raised at Westminster, where similar legislation to today's Bill had drawn criticism from some MPs and privacy groups.

However, I am glad that the Minister listened to the Committee's concerns and tabled amendments to clause 1. These tightened the legislation and provided more robust definitions to ensure that patients' data is not shared with those who are not the intended recipients.

10.15 pm

Importantly, the opt-out clause is there, prescribing a mechanism in law for patients who do not want their data shared and have made that expressly known. The Minister made it clear that he was not keen to support the Committee's amendment at Further Consideration Stage, but, with legal advice and consultation with Queen's University, the view was expressed that such a provision would not impact negatively on the rights given under section 10 of the Data Protection Act. I am glad that the Committee's amendment was approved and found favour among Members at Further Consideration Stage.

This is a fitting example of how successful Statutory Committee and departmental collaboration can make sense and achieve a better outcome all round. Hopefully, the Bill will go a long way towards improving outcomes by supporting research into key areas such as cancer and diabetes. The bottom line through the work of the Committee and listening to some of the debates is that today's Bill is extremely important for the many patients suffering from illness. We, as legislators, try to make a difference and ensure that we invest in legislation now that will save the health service money in the future.

In conclusion, the SDLP supports the Bill at the Final Stage as we believe that it now affords greater protections and safeguards for patients when their data is being released. That can be done only under prescribed circumstances, with a robust committee scrutiny function, and a comprehensive code of practice for data processors.

Mr Hamilton (The Minister of Health, Social Services and Public Safety): I thank all the Members who contributed to the debate, not just this evening but throughout the passage of the Bill through the House, for their supportive and positive remarks and, indeed, for their support for the Bill as a whole. What is clear from contributions this evening is that Members appreciate the potential benefits of sharing information with appropriate people. The safeguards contained in the Bill will ensure that sharing is controlled and secure and that sensitive and valuable information will be protected.

I am convinced that the outworkings of the Bill will be of great benefit to the entire population of Northern Ireland. Whilst there were some comments this evening, as there have been throughout the passage of the Bill, about people opting out, the experience of most working in

this field is that, when they are talking to patients about sharing their information, most want to oblige and do so, particularly when it is about trying to find a cure or a new treatment for a particular ailment that they have suffered from.

I would like to take this opportunity to put on record and thank the Health Committee for the keen interest and support it has shown for the Bill. My Department had a very productive working relationship with the Committee, as the Chair and members outlined during their contributions, throughout the scrutiny of the Bill. I am also very grateful for the amendments proposed by the Committee, which, I believe, in the main, have succeeded in producing a better and stronger piece of legislation.

Once again, I am very grateful to everyone who contributed to the debate on this important piece of legislation.

Question put and agreed to.

Resolved:

That the Health and Social Care (Control of Data Processing) Bill [NIA Bill 52/11-16] do now pass.

Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016

Mr Ford (The Minister of Justice): I beg to move

That the draft Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016 be approved.

The draft order is made under powers conferred by section 11 of, and schedule 3 to, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Those parts of the Act make provision for slavery and trafficking prevention orders, henceforth STPOs, which courts may impose on individuals who have been convicted of a relevant human trafficking or slavery offence. Members will recall that the overarching aims of the STPO regime, as set out in schedule 3 to the Act, are to protect victims and to prevent reoffending.

Under schedule 3, courts may make an STPO against an offender who has been convicted of a slavery or human trafficking offence and who poses a risk of committing further such offences. In imposing an STPO, the court must be satisfied that the order is necessary to protect people from the physical or psychological harm that would result if the individual were to commit further such offences.

STPOs remain in place for at least five years, and their effect and extent are determined by the court. For example, where the court considers it necessary, it may specify in the STPO that the defendant must not work in a particular industry or enter a certain locality. An individual who is subject to an STPO is also required to comply with the associated notification requirements that are set out in Part 2 of schedule 3 to the Act and in regulations. Members will see, therefore, that STPOs are a valuable tool in managing and minimising the risk that is posed by those who commit those gravely exploitative crimes.

The draft order is intended to enhance the STPO regime by giving courts in Northern Ireland the powers to deal with offenders from other jurisdictions within the United Kingdom. It does that in two ways. First, the draft order will allow courts in Northern Ireland to make STPOs against individuals who have been convicted of modern slavery offences in the other jurisdictions of the UK. It does that by amending the list of relevant offences that can trigger an STPO in Northern Ireland, as set out in paragraph 1(4) of schedule 3, to include modern slavery offences in England and Wales under sections 1, 2 and 4 of the Modern Slavery Act 2015 and Scottish offences under sections 1 and 4 of the Human Trafficking and Exploitation (Scotland) Act 2015.

In practical terms, an individual convicted of one of these offences who comes to Northern Ireland could be subject to an STPO if the court considers it necessary. That means that the risk posed by offenders who have been convicted in England, Wales or Scotland can be managed locally by way of prevention order where necessary. Secondly, the draft order will ensure that courts in Northern Ireland will be able to enforce equivalent or similar civil orders that have been made elsewhere in the UK where those are breached in Northern Ireland. That includes slavery and trafficking prevention and risk orders made by the courts in England and Wales under Part 2 of the Modern Slavery Act 2015 and trafficking and exploitation prevention and risk orders made under the Human Trafficking and Exploitation (Scotland) Act 2015. Although the Assembly has not

legislated to provide a power for courts in Northern Ireland to impose risk orders on individuals who have not previously been convicted of a modern slavery offence, such risk orders are available to courts in the other United Kingdom jurisdictions.

The order, therefore, is essential to ensure that courts in Northern Ireland will be able to enforce such risk orders that have been made elsewhere in cases where they have been breached in Northern Ireland. That safeguard will help to ensure that those subject to risk orders cannot bypass the restrictions that are placed on them by traveling to Northern Ireland.

The draft order provides that any breach of the orders elsewhere in the UK constitutes a criminal offence in Northern Ireland, attracting a maximum sentence of six months on summary conviction or five years on conviction on indictment.

I believe that the order will help to ensure that the police and courts in Northern Ireland have comprehensive powers to respond to and manage the risk that is posed by slavery and human trafficking offenders, including those who come to Northern Ireland from other parts of the United Kingdom. It will also help to protect people here who may be vulnerable to exploitation. My intention is that the STPO regime should commence immediately after the passage of the secondary legislation. I commend the draft order to the House.

Mr Ross (The Chairperson of the Committee for Justice): I am pleased to speak briefly this evening on the motion on behalf of the Committee for Justice. The Minister comprehensively set out the background to the proposed rule, so I will not rehearse the detail at this stage of the day or detain Members any longer than is absolutely necessary.

My colleagues on the Justice Committee heard first-hand the devastating impact of human trafficking during its consideration of Lord Morrow's Human Trafficking and Exploitation Bill. The Committee was supportive then and remains supportive today of all efforts to tackle human trafficking.

Back in October 2014, at the Consideration Stage of Lord Morrow's Bill, the Committee supported an amendment to introduce slavery and trafficking prevention orders. At that time, MLAs were advised of the Committee's position on that and of the other amendments that were being brought forward by the Department. In June 2015, the Committee was advised by the Department of its plans to consult on the

subordinate legislation under our consideration today, and, in November, the Committee considered the results of the consultation and the Department's proposed rule. The Committee agreed that it was content with the policy intent of the proposals to ensure that slavery and trafficking prevention orders may be made in Northern Ireland for offenders who have been convicted of human trafficking and slavery offences in other parts of the United Kingdom. At the meeting on 28 January 2016, the Committee agreed to recommend to the Assembly that the rule be approved. Therefore, Mr Speaker, on behalf of the Committee for Justice, I support the motion brought forward by the Minister of Justice.

Adjourned at 10.27 pm.

Mr A Maginness: I was not going to speak, but I just rise to support the subordinate legislation and to put the cat out after this debate.

Mr Ford: Yet again on one of these brief occasions, I have to go into lengthy responses to all the contributions that were made, most notably by Mr Maginness just now. I make a serious point on this occasion when I thank the Committee for the attention that it pays to the detail of these pieces of legislation. It may only be secondary legislation, but it is very significant and important. As the Chair says, the order really completes the work on the STPOs, which were included in the then private Member's Bill on human trafficking that Lord Morrow so ably piloted, including the bits that I did not disagree with. This was one aspect of the Bill on which there was complete agreement. It is absolutely right that we should ensure that there is a comprehensive regime in place for the courts and the police to deal robustly with all slavery and human trafficking offenders, wherever they may have come from, and whichever UK jurisdiction there may be convictions in place. I am grateful for the brief words of support from Mr Maginness and the detailed work of the Committee outlined by Mr Ross. Indeed, we can commend Lord Morrow on the fact that a further piece of his work was completed tonight.

Question put and agreed to.

Resolved:

That the draft Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant UK Orders) Order (Northern Ireland) 2016 be approved.

Mr Speaker: The most popular bit of business on the Order Paper for the night is the Adjournment. Thank you all very much.

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